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NATIVE VIEWS OF INDIAN-WHITE HISTORICAL RELATIONS

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NATIVE VIEWS OF INDIAN-WHITE HISTORICAL RELATIONS

Edited by

Donald L. Fixico

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To the upcoming Indian scholars
who will write histories, and to
our respected elders whose lives
and knowledge are our heritage.

PREFACE

The fact that almost all of the literature about Indian-white relations has been written by non-Indians motivated this collective effort by Indian historians to present their views on the subject. As a group, American Indian scholars have not been heard on the history of Indian-white relations until now. Usually only one or two American Indian intellectuals are seen participating in conferences or even lecturing in university classrooms across the country. But within this present generation there exist a core of thriving academically trained Indians who are teaching and writing histories about their own people.

The following essays were initially produced as papers presented at "American Indian Council-Conference: Native Land Relationships and the Frontier Experience." This event was held at the D'Arcy McNickle Center for the History of the American at the Newberry Library in Chicago during March, 1984. After the founding of the American Indian Historian Association at a spring conference in Spokane, Washington in 1981, this was the second meeting held of Indians in the history profession as they shared sessions with non-Indian experts, many who have written books on American Indian history. The event provided a forum for both sets of historians to present individual views and discuss differences of opinion. In the audience, eight Indian graduate students and several Indian undergraduates attended to observe the scholarly interaction and to participate in the discussions.

The resulting consensus was a need for more Indian scholars at the professional level to balance the literature with native perspectives on the history of Indian-white relations. This is one of the goals of the American Indian Historians' Association (AIHA), a small but growing group of historians of Indian descent who strive to work with graduate students, tribal historians, non-Indian scholars, American Indian studies programs, and other organizations--all who share the cause to present a better understanding of Indian-white relations. Founded in 1981, AIHA welcomes anyone to its membership who concurs with this cause.

This volume presents the viewpoints of fourteen authors, descended from twelve tribal groups. Representing different tribes, the authors have applied various views in the essays. They ranged from an "Indian" point of view to pro-Indian arguments on Indian-white issues. The essays also reflect academic training and diverse tribal backgrounds to varying degrees as well as academic training from various universities.

This volume does not pretend to cover the full scope of Indian-white relations, but rather it serves as a supplemental text to balance existing interpretative histories. Selected topics have been chosen as the authors attempted to correct misconceptions about certain historical events and themes, provide American Indian insight, and tell how particular tribal groups viewed the coming of the white man. Regarding Indian-white relations in the twentieth century, tribal political positions and native views are presented on pertinent issues that affect the progress of Indian communities.

Funding for the conference and publication of the papers was made possible by four organizations: The Illinois Humanities Council, Ford Foundation, National Indian Lutheran Board, and the National Endowment for the Humanities. The American Indian Historians' Association is grateful to Alison Bernstein and Lynn Carey of the Ford Foundation; Jane Hood, formerly of the Illinois Humanities Council; Shirley Chisolm of the National Indian Lutheran Board; and the National Endowment for the Humanities for helping to secure funding. Many

thanks go to David Reed Miller, former Dean of Instruction at Fort Peck Community College and Carter Blue Clark, Professor at California State University, Long Beach, who served as Co-Directors for the conference.

The contributing authors are appreciated for sharing their research work and revised essays that together is the heart of this volume. Frederick Hoxie, Director of the D'Arcy McNickle Center for the History of the American Indian at the Newberry Library was instrumental in making the proposed conference a reality. Jay Miller, Editor/Assistant Director at the Center, did the final editing for publication. John Aubrey, Chief Archivist of Special Collections at the Newberry Library provided helpful suggestions. While serving as Acting Director of the McNickle Center, Professor Herbert Hoover of the University of South Dakota helped in the initial effort for the conference. In the final phase, Richard Brown, Director of Research and Education at the Newberry Library proved to be instrumental in securing funding.

In earlier stages of compiling the papers and re-typing, I am grateful for John Boatman, Coordinator of the American Indian Studies Program - Academic Component at the University of Wisconsin-Milwaukee for supplying me with a student assistant to help type drafts of the papers. Dean William Halloran, former Associate Dean Nason Hall, and Chairperson Frank Cassell were supportive by freeing me from summer teaching in order to use valuable time for editing this volume. I am also grateful for the assistance of Professor Clifford Trafzer and Kathy Peck, formerly, of the Department of American Indian Studies at San Diego State University for helping in the final stages of the manuscript. Michelene Fixico was very helpful in typing the papers as they were being edited.

The work involved in editing is one of understanding contributing authors' objectives and helping to achieve clarity in the essays. My role in orchestrating the volume was no easy task as other volume editors will testify that it never is. Working with multiple authors in putting forth an Indian perspective proved to be demanding and rewarding. At varying degrees from pro-Indianism to criticism of the prevailing historiography, individual Indian viewpoints are presented in the essays. As one combined endeavor, they voice an Indian perspective, reflecting tones of concern for their people, sensitivity, and traditionalism for a better understanding of past and present Indian-white relations.

Donald L. Fixico
University of Wisconsin-Milwaukee

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"From the Other Side of the Frontier"

Native peoples of Indian America have their own view of their ancestors' experiences in the struggle with white foreigners over the North American lands. There were many frontiers for natives as the continent was settled, and these included major encounters with the Spaniards, the French, the Russians, the British, and finally the Americans. The invasion of native homelands by people from other nations had a profound effect on all Indians.

The Spanish encountered Indians in Mexico, the Southwest, and along the Gulf of Mexico areas. The Southeast tribes were awed by the strange, white-looking Spanish explorers and conquistadors who invaded their lands. In the Southwest the Pueblo groups fell easy prey to the Spanish, except for the brief Pope Rebellion in 1680. Spanish revenge for this incident brought defeat again, and enslavement ensued under the encomienda system evolved to make tax tribute payments to the Spanish Crown. Missions were constructed to Catholicize the Indians, and presidios were built to fortify the Spanish presence.

The Russians used military might to subdue the Aleuts and Indians along the Pacific edge and Alaska coastline as they pursued the sea otter pelt, which brought a good price on Chinese markets. But, the Aleuts were almost obliterated as a result of Russian genocide.

Spanish dominance in the Gulf of Mexico drove out French Huguenots, and France turned its attention to the St. Lawrence River Valley and lower Great Lakes regions. The French, however, were more interested in trade, and trade patterns developed between the French *coureurs de bois* and the Indians. The French cultural items--guns, mirrors, iron, and gun powder--were symbols of power to the Indians.

The British and subsequent American treatment of the Indians was similar. The natives were sought as allies in war and for protection. British and Americans indicated that they were from a superior civilization, and Indians believed they could benefit from trading for items made of iron and steel. As the British colonialists struggled to adjust to the environment, the tribes watched with interest and rendered assistance.

In the following essay, Indian and white perceptions of the land are explored. The Indians' view, as they observed the coming of the white man, offers a new perspective on the frontier experience.

CHAPTER 1

INDIAN AND WHITE INTERPRETATIONS OF THE FRONTIER EXPERIENCE

Donald L. Fixico

Since 1893 when Frederick Jackson Turner presented his famous essay, "The Significance of the Frontier in American History," scholars have explained the frontier experience in terms of Indian-white relations involving land. Essentially Turner explained that American settlement west of the Mississippi resulted from Euramericanism transforming into new ideologies, norms, and lifestyles which established an American culture. Almost one hundred years later, professional historians of Indian descent are re-examining the frontier experience. Their views on land relationships explain how their people viewed the frontier based on evidence left by Indians and whites alike.

Not until the twentieth century has the printed word begun to convey Indian intellectual views on the frontier experience. Indian academicians like Charles Eastman and D'Arcy McNickle and non-historians like Vine Deloria Jr. and Leslie Silko have paved the way for an Indian historiography. Their works, consisting of novels, autobiographies, popular writings, and studies in anthropology, illustrate the importance of a general "Indian viewpoint" in contributing to new interpretations of American frontier history.

By adding to the seminal writings of earlier Indian scholars, the contemporary Indian historian can enrich the available literature. This view presents a fresh approach and such a historiographic approach offers a better understanding of frontier history involving Indian-white relations. The sensitivity of American Indian scholars makes it possible to transmit their people's feelings about their homelands.

However, native scholars are restrained by limitations of the English language. Abstract native philosophic views are intangible and are best presented in tribal languages. Unfortunately this would prohibit sharing information with English speaking peoples. Thus, it should be kept in mind that as each tribe's view of the frontier experience is translated into English, much of the substance is lost. For this reason, most Indian evidence is gathered from oral history accounts and gleaned from non-written documents. As a result, this side of the frontier experience is difficult to ascertain, but not impossible to present.

For the tribes, their native frontier experience was distinctly different from the white man's frontier experience. Perhaps their frontier experience was also more complicated because it was two-fold. First, their ancestors crossed the Bering Strait at least 27,000 years ago and migrated south and then east (if we axiomatically accept this migratory route for the first peopling of the Western Hemisphere). Second, when imperialistic European powers invaded the Western Hemisphere to carve out new empires, the Indians' second frontier experience occurred. These two encounters of the Indian frontier experience are the foci of this study. Thus, two questions should be posed and answered, "How did Native Americans view land?" and "How did Native American groups respond as they observed the territorial expansion of the Anglo-American?"¹ Answering these questions is problematic because most of the historical evidence was recorded by non-Indians who would have viewed Indians and the frontier from an Euramerican viewpoint.

Over the years serious misconceptions about Native American peoples have resulted in a negative portrayal of Indians. Literature in the seventeenth and eighteenth centuries often depicted derogatory views of Indians, as "wild" or "noble" savages, as "redskins" and as "heathens." Stereotypes gleaned from the limited observations of a few white settlers resulted in a generally accepted negative image of Indians. Afterwards Anglo-Americans exploited this image to justify their actions toward indigenous Americans--whether through Christian paternalism to save the souls of Indians, or military ethnocentrism to eradicate them. Historian Roy Harvey Pearce professed that the Native American was "in fact no Indian but an image which the civilized conscience had created just for the protecting, which the civilized intellect and the civilized imagination had earlier created just for the destroying."² Understanding these created images helps "us penetrate the innermost thoughts and psychic needs of Englishmen confronting a distant, unknown, and terrifying land, and they provide a basis for understanding English interaction with native inhabitants," a relationship that historically has not been a positive one for Native Americans.³ Indians have had to endure the historical stereotypes that have helped produce contemporary characterizations of Indians as shiftless, lazy, shy, backward, simple, and uneducated. Worst of all, these stereotypes often lead Indian people to think of themselves in a negative manner, causing social and psychological repercussions.

The negativism of these deeply-rooted stereotypes derives from the clashing Indian-white frontier experience. Many misconceptions resulted from the comparison of two civilizations that fundamentally possessed different cultures. Furthermore, colonial scholar William Cronon claimed that early explorers' perceptions were colored when comparing New England America to old England because the two areas differed considerably.⁴ This same reasoning applies to the distinct differences of Native America from white America, as both Indians and white settlers viewed the frontier differently from their own cultural biases. In this light, studying contrasts rather than making comparisons would yield the best results for learning about the Native American response to the frontier. In academia scholars learn by comparative studies (comparing Native American and white American societies in this case), but should this methodology always be applied for trying to produce an objective truth?

As the following excerpt from Turner's famous essay is scrutinized, distinct differences between Native Americans and white Americans during early contact years becomes apparent. Although Turner's thesis does not apply to the early Native American frontier experience, a valuable understanding of the nature of the white settler can be obtained.

So long as free land exists, the opportunity for a competency exists, and economic power secures political power. But the democracy born of free land, strong in selfishness and individualism, intolerant of administrative experience and education, and pressing individual liberty beyond its proper bounds, has its dangers as well as its benefits.⁵

Unlike white settlers, the community was more important than the individual person in many Indian tribes. The community lived with the land as one, and actually it was a part of the land. Because of the Indians' belief in community, a strong sense of trust developed among tribal members--the strength of the tribe. Group initiative was stressed over individual actions, unless the individual acted for the good of the community. Suppression of individual actions thwarted growth of character and independence.⁶

Land utilization was the key to American development--the essential ingredient to foster western democracy and rugged individualism. The same land usage did not represent the basis for Native American cultural advancement, however, and although democracy existed as a political principle, it was not held in the same individualistic sense as the Euramerican held it. Rather, Indian peers in the village or camp recognized individuals for their achievements, while everyone worked as a part of the autonomous group in a communal existence. Every member of the extended family had a role with certain responsibilities. "To the Indian mind, even after two centuries of acquaintance with the whites, land belonged collectively to the people who used it."⁷

Indians and whites perceived land differently. While both peoples belonged to communities and/or towns, their communities utilized land differently according to their relationship with land. Vast cultural differences led the white frontiersmen to utilize land as a natural resource for planting and lumber products. While in contrast, Indians viewed land as a part of their communities and their individual persons.

Although their basic living needs were much the same, Indians and white frontiersmen were diametrically opposed in philosophical views. From opposite directions, they advanced. First, the Indian tribal communities traveled from west to east. Centuries later, the white frontiers advanced from east to west. In settling their respective frontiers, they developed fundamentally different views toward land.

Native American accounts of history and their frontier experience of settling the New World were told through the oral tradition. Preliterate tribal groups depended heavily upon the spoken word to explain how their people originated and this method explained many things. Although the majority of native groups did not possess a written language, some recorded their past in pictographs and hide paintings. This mythogenesis of stories, legends, myths, and songs informed the people about their frontier history and educated future generations. Their oral sources informed them that their ancestors traveled from the westerly direction, or from a northwesterly direction, toward the east. This opposite direction of the white man's settlement of the frontier presents a strong possibility that Native American peoples endured many of the same conditions that the white settler did. Adapting to a new environment produced events, recorded in oral accounts. Many legends have survived that tell the people about their ancestors settling the land, like the Choctaws who were guided by an unseen force as their leaders carried a mystical pole that took them eastward until they reached "Nana Waya" in central Mississippi, the sacred homeland.

Unlike the Europeans who were mystified about the westerly direction and who curiously pursued it to "discover" a New World, indigenous Americans wondered about the easterly direction. The sun rose in the east, and this daily phenomena was integrated into tribal philosophies as the basis for many religions. The sun provided warmth for man and animals, energy for flora to grow, and it lighted the dark. No wonder traditional Indians revered the east and worshipped the sun in ceremonies like the Plains Indians' Sun Dance. And when the white man came across the water from the east, it would seem logical that the Atlantic coast tribes viewed him as a "special being" who might bear gifts, teach them, or reprimand them.

Many communities of aboriginal America recalled accounts of their ancestors coming out of the darkness into a newly lighted world. Possibly, the following observation rationalizes a general Indian view of people migrating toward the

eastern frontier. In migrating from the west, that direction was identified with darkness. Interestingly, west is the most mysterious of the four to six cardinal directions among many plains Indian peoples. This aspect is an interesting correlation of the Indian population advancing eastward on the native frontier from the dark westerly direction. Tribal taboos of many tribes also identify the west as the land of the spirits where the dead reside, but it can also be viewed as the spirit land of the living--life before and after death, from whence their people originated. This would seem the reverse to the non-Indian scholar whose thinking is imbedded with the tradition of westward expansionism as the way of peopling America, (thereby disregarding the Indian eastward frontier experience).⁸

As Indian groups migrated eastward, the land furnished all their needs for survival. During a later stage, the white man did not set foot in the Western Hemisphere until about 500 years ago. Because of the vastness of the continent Native American people did not populate the entire North America with highly advanced civilizations, although it is quite evident that sporadic native civilizations like the Mayans (292-889), Incas (1100-1535), and Aztecs (1168-1519) dotted the New World over hundreds of years. The vastness of the land prohibited human crowding of the New World, allowing tremendous demographic shifts of native peoples. Virgin land in abundance escaped literally untouched by native groups, although such areas were surely explored by the people, (according to archeological evidence).

"Furthermore, both Indians and white settlers seem to have held the view that the land was vast and room for expansion in it [was] virtually limitless."⁹ The enormity of the frontier presumably awed both peoples as they rebuilt their civilizations. Feeling overwhelmed by nature's environment, Indian groups felt compelled to respect nature (land, animal life, etc.), and developed cultural beliefs based on worshiping nature. Anthropologist Clark Wissler noted that, "the relation between man and nature is fundamental in aboriginal America and at no time can that bond be broken."¹⁰

In contrast, Euramericans had already settled the Old World, specifically Europe, and viewed nature as a source of resources for perpetuating life. Progress did not come easily, and in fact, long periods of time elapsed before the finer elements of society like art and music advanced again for Euramericans and Indians. For Indians, due to their belief systems respecting nature, their cultural advancements occurred much slower.

Frederick Jackson Turner, in explaining the white settlement of America, stated that white American development actually regressed to a primitive state from the level of its European parent civilization before a new America dawned.¹¹ The harshness of the environment accounted for the regression as white settlers in every region of the New World were hard put to survive in the wilderness, basin or on the plains. The concept of a "moving frontier" in that white settlement on the land was "transient and temporal" meant pioneer life was moving and difficult.¹²

Understanding the land proved advantageous to the Indian. In one of his observations of the Indian and wilderness, Henry David Thoreau "argued for the Indian's superiority since he maintained constant contact with nature's educational and moral influence."¹³ However, in comparison with the Euramericans, it should be noted that Indian groups stressed different areas of culture for development such as philosophy and art, rather than business enterprise and technology. Such emphasis established certain directions for

Indian societies to develop. Non-Indian observers, therefore, logically assumed they were not as advanced as European civilizations.

European Imperialism in the sixteenth and seventeenth centuries brought waves of settlers to the New World from various countries--Holland, France, Spain, and England who vied for the land, and the native tribes were confronted in the process. Such a fierce level of competition probably did not occur among Indian tribes because they constantly found new available areas to settle when the pressures of over population in an area became too great. Simultaneously native groups usually learned to respect other tribal domains which disallowed the practice of tribal genocide. Rather, winning respect from one's enemy maintained the balance of power among local tribes.

Conversely an obvious aspect about frontier development among the Euramerican rivals was the constant struggle among their own people for self-interest. He was from a background of wars fought for territoriality, political power, or religious convictions in Europe. The Euramerican was a competitor to win over his foe or anyone, or anything that might be an obstacle. In actuality, greed for land compelled an Euramerican desire to conquer Indians for real estate rights to land.

Such a display for gain did not seem apparent in the tribal settlement of the New World frontier since the Indian groups operated according to different philosophies toward land. (But this is not to state that Indians did not participate in the white man's conflicts for empires. The Seven Years' War, Anglo-Dutch War, American Revolution, and the War of 1812 are all indicative of the involvement of native people in the frontier experience of anglo settlement.) Rather, competition for territoriality among Indian nations occurred differently from European imperialism. Tribal dynasties ruled over land areas such as the populous Chippewas who held the upper western Great Lakes region and forced the Sioux onto the high plains during the early 1800s. The League of the Iroquois (1300-1600) conquered surrounding Algonkian tribes in the eastern woodlands, and the Creek Confederacy (1450-1830) exercised supremacy over other tribespeople in the Southeast.

Upon setting foot in the Western Hemisphere, however, the Euramerican did not respect the supremacy of tribal dynasties. Native patriotism to save the homeland against white settlers substantiated the Euramerican claim of Indians being "savages." War naturally brings out the barbarism in mankind, but Euramericans did not realize that they were also savages in the eyes of the Indians. Lust for land and the Puritan mission to settle the land blinded the white settlers from self-realization of their own barbarism.

In comparing tribal dynasties with the European imperialistic wars, basic societal differences account for different views on land. The native peoples took on a special philosophical attitude toward the land and saw themselves as a part of the whole environment, the trees, lakes, animals, day and night. Both peoples, however, dealt with the environment and developed civilizations, but two different kinds of democracies evolved separately for Indians and Euramericans. Professor Turner identified the unique characteristics of the white settlers as growing out of "democracy" and "individualism." He described the "striking characteristics" of Americans as follows:

That coarseness and strength combined with acuteness and inquisitiveness; that practical, inventive turn of mind, quick to find expedients; that masterful grasp of material things, lacking in the artistic but powerful to effect great ends; that restless, nervous energy; that dominant

individualism, working for good and for evil, and with all that buoyancy and exuberance which comes with freedom--these are traits of the frontier, or traits called out elsewhere because of the existence of the frontier.¹⁴

Some of the same characteristics can be applied to Native Americans, but definite differences are evident. Turner described the potential for a self-initiating, technological society that would seek to change and exploit the environment to suit its needs. This contrasts with the Indians who acknowledged harmony with the environment and who expected signs from nature to help guide their lives. "The Indian, living directly on desert or plain, under the sky, beside the waters, would get a prompt feed-back from nature when he was careless," wrote Fred Fertig, a conservationist. "Thus he understood that wasteful or destructive intervention in nature's process would result in famine, shortages of fiber for clothing and other uses, no potable water."¹⁵

The frontier presented good and bad experiences, a Pandora's box that simultaneously offered promise and destruction; opportunity and survival; and life and death. Challenging both Indians and whites, (the frontier as Turner described it), can thus be applied to both sets of people. As Turner stated, "The stubborn American environment is there with its imperious summons to accept its conditions; the inherited ways of doing things are also there; and yet, in spite of environment, and in spite of custom, each frontier did indeed furnish a new field of opportunity, a gate of escape from the bondage of the past; and freshness, and confidence, and scorn of older society, impatience of its restraints and its ideas, and indifference to its lessons, have accompanied the frontier."¹⁶ These conditions applied to Indians and white settlers who sought to survive the frontier ordeal. For both a frontier Darwinian experience can also be applied. For Indians it was two-fold since their tribespeople established homes in their frontier environments and then they had to contend with the arrival of white settlers. The foreign nature of the white man and his culture perplexed Indians as they sought to adjust to another racial population who eagerly invaded America. "Ironically it has been the Indian's egalitarianism and generosity--traits much admired in European culture--that doomed him ..."¹⁷ But the struggle on the frontier was not merely Indian versus white man. One culture challenged the other; one replaced another in America--"the invasion within" while a continent hung in the balance.¹⁸

Native American peoples had definitely developed a frontier outlook on land which contradicted the Euramerican philosophical view. "They were not ambitious to master the universe."¹⁹ The world view, from the Native American viewpoint, held three essential elements that all of mankind examines--deity, man, and nature. The Indian related to nature with all of its beauty and abundance, but the Supreme Being was responsible for its creation and the Indian himself. Poet Ralph Waldo Emerson observed comparatively that the "noble savage" was indeed like a Greek philosopher who exhibited thoughts as a naturalist at a high level in identifying with nature.²⁰

From the other side of the frontier came the Euramerican settler. He believed that progress could be made from the natural resources at hand. "Mind thus became the master of nature, and man became capable of devising instruments to direct and improve his evolutionary future."²¹ Colonial Euramericans interpreted nature as God's provision for man's use.

The imbalance in the literature on the frontier experience presents descriptions of Euramerican homesteading and land development which utilized optimistic euphemisms, as "Manifest Destiny", "Westward Expansion" and "Virgin

Land" while Native Americans are cast in a negative light as obstacles that had to be overcome. To the early white settler, the New World represented a plethoric garden of flora and fauna--a "vacuum domicilium."²² The interesting aspect of the white frontier experience is the lack of respect to care for the landed environment. Whites raced to turn the soil with their primitive plows and cut down the forests while unfairly berating Indian people for being unambitious and leaving the land undeveloped. This was God's will in the eyes of Christian white settlers. "Church substituted a realistic acceptance of the conditions of moral and physical life imposed by the wilderness for the Puritan rejection of the wilderness as a chaotic and devilish environment."²³ The Puritan mission to fulfill the divine promise to settle the wilderness envisioned "a whole people marching as one with each other, and with God, erecting myriad congregational churches throughout New England."²⁴

Furthermore, according to Christian teachings, "Man [Adam] named all the animals, thus establishing his dominance over them. God planned all of this explicitly for man's benefit and rule: no item in the physical creation had any purpose save to serve man's purposes."²⁵ By Divine Providence, a benevolent God intended for man to undertake a peaceful mission to settle America. However the presence of the Red Man in the New World was incongruent with Christian idealism surrounding Manifest Destiny as the red and white races struggled against each other on the frontier. In short, religious conviction and idealistic justification convinced white settlers that they had inherited the frontier.²⁶

This same attitude has prevailed through the years. Today the once fruitful garden of the continent now possesses limited natural resources which are reaching points of exhaustion. Unabashed greed to develop land without contemplating future repercussions prevents today's society from learning to live in an environment of plenty, a lesson in conservation learned long ago by Native Americans. No different from centuries ago, men and women coming from Europe had led lives deprived of such necessities as firewood in London to keep warm during the winter. Living in America, the "land of abundance" astounded them with its "limitless" resources. White settlers like William Wood on the New England frontier during the 1600s described the abundance of fish and fowl, and how hunters killed the game in excited amazement. He told about hunting the incredible number of waterfowl with hesitancy for fearing not to be believed. "If I should tell you how some have killed a hundred geese in a week, fifty ducks at a shot, forty teals at another, it may be counted impossible though nothing more certain."²⁷

In contrast, anthropologist Frank Speck has described the conservation methods of the Algonkian Indians who kept count of the animal and plants supplies in their territory and rotated their hunting grounds to sustain a plentiful supply. They believed the Creator had provided for them, and it was their duty to care for the animals with such concern that this attitude became a part of their religion.²⁸ Conversely Christian Americans believed "that man's body is made of clay, he is not simply part of nature: he is made in God's image," and therefore he is apart from nature. One scholar stated that Christianity in the western form is "the most anthropocentric religion the world has seen."²⁹ A "dualism between man and nature" developed from the firm religious belief that God intended "that man should exploit nature for proper ends."³⁰

Disregarding all natural rights of the Native Americans, the white man set out to simultaneously conquer the Indian and the frontier, perhaps they were

viewed as the same. The Indian race was a people to be defeated and their lands to be taken. Historian Reginald Horsman suggested that the basic heritage of Anglo-Saxonism from a Teutonic background accounted for the racial desire to conquer.³¹ Combined with dogmatic beliefs, justification was rendered for racial dominance over Native Americans. Although the Indian fell victim, the price was also heavy for the Euramerican. "As the Indian, noble savage or not, declined, a sense of guilt for his destruction settled upon the white man's conscience."³² But the Indians paid a much heavier price--their land which was a part of them.

A white frontier society was transplanted and flourished on the sites of disintegrating Indian societies. Whether the new society was more civilized remains debatable. Since the establishment of an early American government, frontier life between 1783 and 1815 was marked by "a rough, crude violence on the frontier, in rural areas as well as in towns. But this violence was far more concentrated in the new settled edge of the frontier and among the boatmen and riffraff who hung about the river towns than it was on the farms of longer-settled areas."³³ In the following years, similar accounts fill the pages of frontier literature.

Undoubtedly, the Indians' own frontier had declined in the late nineteenth century. In assessing the Indian experience, Theodore Roosevelt did not participate in the appreciation for the Native American in the same sense of late nineteenth-century admirers. He stated, "They [the Indian and the frontiersman] would represent two stages of progress, ages apart; and it would have needed many centuries to bring the lower to the level of the higher."³⁴

From the Indian outlook, without land, men, and women had nothing but themselves and would soon have perished. Natural resources of the land were essential for life. The equation for life was simple, yet different civilizations and their cultures viewed life differently. Therefore the recordings of Indian and Euramerican histories differed. Just as fundamental beliefs of Indian groups and other Americans are different, their distinctive philosophies were also misinterpreted and misunderstood.

Historians are customarily summoned to explain the past; they are the appropriate individuals to do so and can present the fullest accounts. In this light, historians of Indian descent have an opportunity to present native viewpoints on the frontier history of indigenous settlement in North America and the coming of the "white man." But, because the history of the American frontier experience has been written by non-Indians, white ideologies have perpetuated the concept, "Manifest Destiny", while explaining why tribe after tribe succumbed to American domination. Such ethnocentrism also explained that the Indian's cultural inferiority accounted for the surrender of large land areas to white settlers who could make "better use" of the land.³⁵ The outcome was justified. As a result, roughly 50 million acres in the United States now remain as Indian land, meaning Indians were dispossessed of almost 98 percent of the land in this country.

To date, writers of frontier history on Indian-white land relations are still confused or know very little about how Native Americans perceived land and the arrival of the "white man." Scholar Bernard DeVoto acknowledged this some years ago when he candidly stated, "American historians have made shockingly little effort to understand the life, the societies, the cultures, the thinking and the feeling of Indians, and made disastrously little effort to understand how all these affected white men and their societies."³⁶ Unfortunately his statement still stands and more interpretive works are seriously needed to equally present the Indian side of the frontier.

Until scholars of the mainstream are willing to listen, the imbalance of the Indian and Euramerican frontiers will persist. "Ethnocentrism is characteristic of peoples all over the world," wrote Yi-Fu Tuan. "It is difficult for any viable culture to avoid seeing itself as the center of light shading into darkness."³⁷ This explains why American ethnocentrism has prevented an appreciation of other cultures and their philosophies, thereby negating intellectual opportunity for an Indian historiography to develop.

Currently historians of Indian descent possessing ample education and research experience are reinterpreting and writing history from native viewpoints. Their studies hope to balance white views, so an objective narrative of the frontier experience and land in North America will be obtained. The first task is to carefully explain the sacred relationship between "Mother Earth" and the indigenous Indian people for clarifying Indian viewpoints on the frontier experience.

Presenting the Native American viewpoint also troubles Indian scholars who have assimilated into the mainstream society to varying degrees by negating their native heritage consciously or subconsciously. Nonetheless persons of tribal heritages, who have been steeped in their traditional cultures, can best express the Indian perspective. With combined academic training and native insight, over time an Indian historiography can be extracted from oral records, treaty council minutes, and other historical documents.

If true scholarship is to be pursued in studying frontier history, then serious efforts need to be made to understand Native American views. Such views could supplement current knowledge in history, contemporary ecology, rival development, and federal policy. Especially in today's world of decreasing natural resources, tribal perspectives offer a particular look at utilizing and relating to nature's basic elements--trees, grass, water, soil, and sub-surface resources. In light of this point, former Secretary of the Interior Stewart Udall commented, "It is ironical that today the conservation movement finds itself turning back to the ancient Indian land ideas, to the Indian understanding that we are not outside of nature, but of it. From this wisdom we can learn how to conserve the best parts of our continent."³⁸ With our technology rapidly advancing well beyond the maturity of our society, and the discovery "that some biological processes, once having passed a certain point, are irreversible," one can question whether we can change in time to save the environment and its resources.³⁹ After warning "that primitive man lived in harmony with nature, a harmony that has been lost by modern society," biologist Daniel Guthrie asserts that modern man can indeed preserve the environment and its limited natural resources, too.⁴⁰ For this reason, taken into account an Indian historiography in trying to understand the full scope of frontier history and Indian perceptions of land, will help to wisely use remaining natural resources.

In today's energy-consuming society, natural resources are unfortunately negotiated for in terms of dollars, not sense. Amidst declining supplies of coal, oil, gas, uranium, soil quality, and water, conservation and community interest are keys to a better future. To avert waste, Richard Slotkin's prophetic statement is applicable. "It is by now a common place that our adherence to the 'myth of the frontier'--the conception of America as a wide-open land of unlimited opportunity for the strong, ambitious, self-reliant individual to thrust his way to the top--has blinded us to the consequences of the industrial and urban revolutionists and to the need for social reform and a new concept of individual and communal welfare."⁴¹

Native American insights into conservation and land utilization are beneficial. Their long experience in dealing with the frontier environment of the past is useful today for scientists, government officials, and humanists. The Native American frontier experience offers valuable lessons about the past, and even more important, about the future.

CHAPTER 1

NOTES

1. "Manifest Destiny" was coined as a phrase by John L. O'Sullivan, a New York editor in 1845, Robert W. Richmond and Robert W. Mardock, eds., *A NATION MOVING WESTWARD READINGS IN THE HISTORY OF THE AMERICAN FRONTIER* (Lincoln: University of Nebraska Press, 1966), p. 146.
2. Roy Harvey Pearce, *THE SAVAGES OF AMERICA: A STUDY OF THE INDIAN AND THE IDEA OF CIVILIZATION*, rev. ed., (Baltimore: Johns Hopkins University Press, 1965), p. 242.
3. Gary B. Nash, "The Image of the Indian in the Southern Colonial Mind," *WILLIAM AND MARY QUARTERLY*, Vol. 29, 1972, p. 198. A superb coverage discussing the origin of people in the new world is Lee E. Huddleston, *ORIGINS OF THE AMERICAN INDIANS, EUROPEAN CONCEPTS, 1492-1729* (Austin: University of Texas, 1967).
4. William Cronon, *CHANGES IN THE LAND INDIAN, COLONISTS, AND THE ECOLOGY OF NEW ENGLAND* (New York: Hill and Wang, 1983), p. 21.
5. Frederick Jackson Turner, "The Significance of the Frontier in American History," in *THE FRONTIER IN AMERICAN HISTORY* (New York: H. Holt and Company, 1920), p. 32.
6. John S. Haller, Jr., *OUTCAST FROM EVOLUTION, SCIENTIFIC ATTITUDES OF RACIAL INFERIORITY, 1859-1900* (Urbana: University of Illinois Press, 1971), p. 143.
7. Stewart Udall, *THE QUIET CRISIS* (New York: Holt, Rinehart and Winston, 1963), p. 8.

As white settlers became more accustomed to the land and passed it to their children, a farmer-land relationship of love for the soil developed. This attachment became similar to the Indian-land relationship in terms of depth, but the basic different land perceptions held.
8. "Reverse thinking" is a phenomena of Indian students trained in universities to think as non-Indian scholars, but their native heritage account for the display of native intelligence based on traditional learning behavior patterns.
9. Thomas W. Overholt, "American Indians as Natural Ecologists," *AMERICAN INDIAN JOURNAL INSTITUTE FOR THE DEVELOPMENT OF INDIAN LAW*, Vol. 5, No. 9, (September, 1979), p. 10.
10. Clark Wissler, *THE RELATION OF NATURE TO MAN IN ABORIGINAL AMERICA* (New York: AMS Press, 1971), p. xi.
11. Turner, "Significance of Frontier," p. 3.
12. Walter Prescott Webb, *THE GREAT FRONTIER* (Boston: Houghton Mifflin Company, 1952), p. 3.

13. Roderick Nash, *WILDERNESS AND THE AMERICAN MIND* (New Haven: Yale University Press, 1971), p. 91.
14. Turner, "Significance of Frontier," p. 37.
15. Fred Fertig, "Child of Nature, The American Indian as an Ecologist," *SIERRA CLUB BULLETIN*, 1970, p. 5.
16. Jackson, *FRONTIER IN HISTORY*, p. 38.
17. Francis Jennings, *THE INVASION OF AMERICA: INDIANS, COLONIALISM, AND THE CANT OF CONQUEST* (New York: W.W. Norton, 1976), pp. 103-04.
18. See two chapters in James Axtell, *THE EUROPEAN AND THE INDIAN: ESSAYS IN THE ETHNOHISTORY OF COLONIAL NORTH AMERICA* (New York and Oxford: Oxford University Press, 1981), pp. 39-86.
19. N.B. Johnson, "The American Indian as Conservationist," *THE CHRONICLES OF OKLAHOMA*, 1952, Vol. 30, p. 334.
20. Udall, *THE QUIET CRISIS*, p. 47.
21. See chapter 8, "Attitudes of Nature Toward Man," in Lester Ward, *DYNAMIC SOCIOLOGY*, 2 vols. (New York: D.Appleton and Company, 1907).
22. Rhetoric for justifying settler expansion is found throughout Henry Nash Smith, *VIRGIN LAND, THE AMERICAN WEST AS SYMBOL AND MYTH* (Cambridge: Harvard University Press, 1975).
23. Richard Slotkin, *REGENERATION THROUGH VIOLENCE, THE MYTHOLOGY OF THE AMERICAN FRONTIER, 1600-1860* (Middleton, CN: Wesleyan University Press, 1972), p. 180.
24. The Puritan community advancing through the wilderness to settle New England reflects the teaching of Aristotle and scholasticism that "society was an organism and not an aggregate of individuals and that the public good was to be achieved by cohesiveness and cooperation," Alan Heimert, "Puritanism, The Wilderness, and the Frontier," *THE NEW ENGLAND QUARTERLY*, Vol. 26, No. 1, (September, 1953), p. 363.
25. Lynn White Jr., "The Historical Roots of Our Ecologic Crisis," *SCIENCE*, Vol. 155, No. 3767, (March 10, 1967), p. 1205.
26. Frederick Merk, *MANIFEST DESTINY AND MISSION IN AMERICAN HISTORY: A REINTERPRETATION* (New York: A. Knopf, 1963), p. 261; and Reginald Horsman argues that the Christian mission and realism of Manifest Destiny to settle America are inseparable concepts in "American Indian Policy and the Origins of Manifest Destiny," *BIRMINGHAM HISTORICAL JOURNAL*, Vol. 11, No. 2, 1968, p. 130.
27. Cronon, *CHANGES IN LAND*, p. 23.

28. Douglas H. Strong, "The Indian and the Environment," *THE JOURNAL OF ENVIRONMENTAL EDUCATION*, Vol. 5, No. 2, (Winter, 1973), p. 49; and refer also to chapters 2 and 7 in J. Donald Hughes, *AMERICAN INDIAN ECOLOGY* (El Paso: Texas Western Press, 1983).
29. White, "Roots of Crisis," p. 1205.
30. Tuan, "Our Treatment of Environment," p. 244.
31. Reginald Horsman, *RACE AND MANIFEST DESTINY: THE ORIGINS OF AMERICAN RACIAL ANGLO-SAXONISM* (Cambridge: Harvard University Press, 1981), pp. 43-77.
32. Bernard Sheehan, "Paradise and the Noble Savage in Jeffersonian Thought," *THE WILLIAM AND MARY QUARTERLY*, Vol. 26, No. 4, p. 359.
33. Reginald Horsman, *THE FRONTIER IN THE FORMATIVE YEARS 1783-1815* New York et al: Holt, Rinehart and Winston, 1970), p. 127.
34. Theodore G. Dryer, *THEODORE ROOSEVELT AND THE IDEA OF RACE* (Baton Rouge: Louisiana State University Press, 1980), p. 70, originally stated in Theodore Roosevelt, *THE WINNING OF THE WEST*, pp. 105-06.]
35. Refer especially to chapters 1-4 in Bernard Sheehan, *SEEDS OF EXTINCTION JEFFERSONIAN PHILANTHROPY AND THE AMERICAN INDIAN* (New York: W.W. Norton & Company, Inc., 1973).
36. Bernard DeVoto, Introduction to *STRANGE EMPIRE A NARRATIVE OF THE NORTHWEST* by Joseph Kinsey (New York: William Morrow and Company, 1952), p. 9.
37. Yi-Fu Tuan, "Our Treatment of the Environment in Ideal and Actuality," *AMERICAN SCIENTIST*, Vol. 58, No. 3, (May-June, 1970), p. 244.
38. Fertig, "Child of Nature," p. 5, and see chapters 1-4 in Stewart Udall, *THE QUIET CRISIS* (New York et al: Holt, Rinehart and Winston, 1963).
39. Strong, "Indian and Environment," p. 51.
40. Daniel A. Guthrie, "Primitive Man's Relationship to Nature," *BIO-SCIENCE*, Vol. 21, No. 13, (July 1, 1971), p. 721.
41. Slotkin, *REGENERATION THROUGH VIOLENCE*, p. 5.

"BEFORE THE COMING OF THE WHITE MAN"

Years of generations before Christopher Columbus made his epic voyage to claim his discovery of the New World, Indians had already settled large portions of this continent that would be called North America. Tribal communities of Indians lived in every part of the country, although there was much more land than people. From the lowest estimate of 1.5 million to a more accurate guess of 20 million Indians in North America, encampments, villages and tribal towns existed in every region.

The Northwest was dominated by the mighty League of the Iroquois, whose six member tribes of 55,000 Indians, exercised its combined strength over most of the area's abundant pine forests filled with deer, bear and beaver, and divided by streams and rivers stocked with fish. Other population estimates included 5,000 Conestogas; 4,000 Eries; 10,000 Neutrals; 18,000 Hurons and Tionontatis; 3,800 Abnakis; 3,000 Mahicans; 8,000 Delawares; 2,000 Western Shawnees; 7,300 Algonkians and Ottawas. To the West, the Great Lakes area offered similar abundance, although prevailing peoples like the Menominees, Winnebagoes, Chippewa, Sauk, Fox and Potawatomi subsisted largely on wild rice and hunting game.

To the west of them lay the vast-opened northern and southern plains which was bordered on the east by prairie. In this area, highly mobilized native equestrians like the powerful 7,000 Comanches, 2,000 Kiowas, 3,000 Arapahos, 4,000 Crows, 3,500 Cheyennes, 15,000 Blackfeet and 25,000 Sioux became dependent on the horse in pursuit of the buffalo and their enemies. Life on the plains was hard for the major 28 plains tribes, especially during the winter.

In the Southwest and Rockies-Basin area, life depended on the climatic elements. Navajos, Hopis and some 40,000 Pueblo Indians prayed and chanted for rains to bring good harvests to their corn fields. The area also included 20,000 riverine Northern Pimas and as many as 10,000 Papagos. Basin peoples like the Paiutes, 4,500 Utes and 1,500 Shoshones spent most of their day-time hours pursuing small game and the women collected pinon nuts, acorns and edible roots. An area in contrast was the Pacific Northwest whose salmon-filled rivers easily fed the people. Tall cedar trees reaching as high as 40 to 80 feet were felled to become plank houses for the Tlingit, Nootka, Haida and many other groups that lived north and in the congested Columbia and Snake Rivers country. In California, an estimated 260,000 Indians lived there before white contact, which included 3,100 Yuroks.

On the continent's opposite end, the Southeast was dominated by four major tribes--Cherokee, Creek, Choctaw and Chickasaw of which the later had about 9,000 to 13,000 members while the Cherokees and Creeks had up to 22,000. All four could put hundreds of warriors into battle. Life was competitive as smaller groups like the Yamasee found it difficult. Culturally, the "Busk" or Green Corn Dance exemplified ceremonial worship in an environment controlled by the "Master of Breath." In detail, Donald Grinde presents the natural habitation where the Yamasees adapted to the environmental conditions. The account of this one tribespeople typified indigenous life in the southeast before the coming of the white man.

CHAPTER 2

"PRELUDE TO THE YAMASEE WAR OF 1715: ENVIRONMENTAL ADAPTATION OF A NATIVE PEOPLE IN THE SOUTHEAST"

Donald A. Grinde Jr.

Methodology

Archaeological, ethnological, historical and ecological data on the Yamasee Indians is rarely drawn upon all at once in a meaningful way to provide a better understanding of this native group. This study attempts to take such information and use it in both a humanistic and scientific approach. For instance, the family ecological model provides a convenient human dimension to the structuring of information from Yamasee informants, ecological studies, archaeological data and ethnohistorical accounts.

Yamasee family ecology in the pre-Colonial Southeast was conceptually, a threefold ecosystem. The primary envired unit consisted of the family group, a bonded unit of interacting and interdependent persons who shared goals and resources. Second, the environment included nature, human beings, air, water, space, food and shelter which were essential elements for subsistence.

Being social in nature, humans also constituted an human environment. This conceptualization leads to a third paradigm, the "human behavioral environment." The family ecosystem nurtured the behavioral environment of roles, rules and interactions that produced Yamasee society. This behavioral milieu also shaped attitudes, values, expectations and patterns of decision-making. Essentially the nexus between the human-constructed aspects of the ecosystems which consisted of housing, equipment, clothing and food, and the natural environment facilitated the physical maintenance of the ecosystem. This transaction between family and ecosystem was governed by two sets of rules: the unchangeable laws of nature and the set of rules developed by a human group.

Energy in the forms of food and natural resources was the lifeblood of the system and was necessary for maintaining the individual and group. The rules governing the relationship within and between systems were, however, human derived and mutable. The human variables included allocation of resources, social customs, role expectations and power distribution. Since the family ecosystems existed interdependently with other ecosystems that were social and physical, it is important to examine both the laws of nature and human rules in order to understand the Yamasees.¹

The Yamasee Family Unit

First, it is important to understand Yamasee life. Responsibilities among the Yamasees were multifaceted with labor divided primarily along sexual lines. The men specialized in political, religious, hunting and military roles; they were ranked serially with micco (chief), shaman, heads of hunting societies, and war chiefs being the highest orders for important posts. In kinship and in other ways, women held significant positions. Daughters of high ranking miccos assumed special status in the society. Even among the households, a ranking

system existed according to age, clan relationship and economic power. Evidence suggests that Yamasee kinship was probably the "Crow type" since this was fairly prevalent among Muskoghean peoples who had matrilineal clan structures within appropriate moieties.²

During the day women helped each other with household and garden chores. Younger women probably tended to the gardens while the older ones engaged in child care and household duties. The warm season consisting of spring and summer meant hard work for Yamasee women. They harvested local oyster beds that were rich in protein. Gardens in the coastal sector were planted near lagoons and marshes where "hills" of corn, beans and squash were grown several feet apart. Soil exhaustion demanded these cultivated areas be rotated periodically.

Moving villages to adjacent bluffs and islands in the same locale every five to ten years seemed to have been a standard pattern. The Yamasee lived in small groups of a few families numbering 80-120 people. Several of these groups lived along a river, sound or lagoon. Because of this subsistence structure, women's activities focused on the home, the garden and gathering roots and nuts in the fall and winter.³

While the activities of women were highly structured around agriculture in the warm months, they were less organized during the winter. The men hunted and fished during the fall and winter. In the summer they hunted and fished for turtles and shad, but this was intermittent and akin to the women's seasonal gathering of nuts, acorns, firewood and roots in the cold season.⁴

Clothing also designated sexual differences. A man's basic item wearing apparel was a long breechcloth about five feet and a half foot wide. A cord tied around the loin held up the cloth with the excess leather falling in front and behind. Sashes were often draped across the chest or over the shoulder, weather permitting. Moccasins made of deerskin were worn in cold weather.⁵ Women wore deerskin shirts from the waist to the knees in the warm months, accompanied by a net-like material made of Spanish moss. In the winter, mantles were used as well which were customarily worn under the right arm with corners tied above the left shoulder leaving both arms free and the right breast exposed. Moccasins were the same as those made for men with shells and pearls used for decoration. Red ocher and soot were used to identify tribal members.⁶

Dwellings and public buildings of the Yamasee were similar because the material used in construction was fairly uniform in the coastal section from St. Augustine, Florida, to Charleston, South Carolina. "Rotundas" were the most remarkable aspects of Yamasee villages, representing a large circular winter communal house varying in size from 50-120 feet in diameter. They contained inner mat walls, making sleeping compartments and a central court open to the sky.

A typical "Rotunda" floor plan.

The walls were constructed of vine interlaced material, plastered with clay and tempered on the inside with Spanish moss while the outside was covered with palmetto matting. Rotundas usually housed around 100 people, and some served as palisades for protection. The palisades do not appear to have been fortifications, but served as barriers to keep out animals.

Yamasee behavior was governed by the ebb and flow of the natural environment, and guided by philosophical and religious doctrines based on the

meanings of existence. Fertility and prosperity were goals of Yamasee society.⁷ The Yamasees had a concept of immortality based on beliefs in an after-death place of punishment (cold) and a paradise (warm). The later was presided over by a master of life, mild and crippled, who gave much to the souls who entered his kingdom where people, sang, danced and sported with their beloved mates. Another ceremony involving an anthropomorphic statue was probably a fertility rite. A statue in the image of a man was placed in a field and surrounded by a hut. While the ceremony was conducted, a priest blew smoke on the people to drive evil spirits away. The men carried on ceremonial activities during the day and the women took over at night. The ceremony concluded with the statue being thrown into the sea to insure an abundant harvest of crops as well as successful hunting and gathering of wild foods.⁸

Village gatherings were also a time of various activities. Generally, gatherings were celebrated events of thanksgiving for abundance, although the outlook on life was a symbolic cycle that was pragmatic. Various dietary and behavioral taboos were observed, while fertility management was practiced through abstinence and abortion. Herbs used for abortion were common, especially among unwed girls and women. Robert Ferguson in 1682 wrote of Indians in the low country of South Carolina, "the women destroy their bellies with the decoction of a certain bituminous root, that ... Root occasions sterility (sic). This ancient custom is so invited into their females ... till arriving at the age of twenty-seven ... then they fancy to themselves that their children will grow most active, vigorous and valiant ..."⁹

In 1763 George Milliken-Johnson, a physician, witnessed that Indian women in South Carolina used herbs to facilitate an abortion. He stated that it was "an operation that destroys many of them, and greatly contributes to depopulate them."¹⁰ Another observer, J. F. D. Smyth, stated there were "frequent abortions of young unmarried women ... by medicinal simples that promote abortion ..." Smyth also noted that such practices in their early youth subjected them to miscarriage even afterwards, "... and when it happens otherwise, they commonly have not more than two children, very seldom three during the whole course of their lives."¹¹

Marriage was usually monogamous among the Yamasees. The miccos were the only men allowed to have several wives. Premarital sex was accepted, but adultery was punished severely. Divorce and remarriage was allowed, but a waiting period was required until the community accepted the persons as single individuals again. In marriage to new mates, life began again with children until the circle of life was completed. The dead were buried in several ways, depending on the age and station of the person. A Spanish observer in 1526 wrote:

And on some small Islands of the coast, there are certain mosques or temples of that idolatrous people, and many bones of dead men, those of the children and babies were separated from the adults; they are like ossuaries or charnel houses of the common people. The bones of the principal men were by themselves in a chapel or temple separate from the rest of the community, and also on small islands. And those houses or temples have walls of lime and stone (lime made of conch and oyster shells of the sea) and these are near a statue and a half high, with the rest made of wood of pines of which there are many.¹²

As Indians fled the coastal sector and sought refuge up the rivers, burials were

beneath the floors of houses, although infants were continually placed in clay urns.

Subsistence in the Physical Environment of the Southeast

Life for the Yamasees depended very much on their learning to live with the natural environment. Establishing the matrix of the natural environment in the Southeast at time of white contact is difficult since the Yamasees lived in the coastal zone and limited areas of the Pine barren sections of the Georgia, Florida and South Carolina coast. The coastal section where the Yamasees resided had three sections: the strand or beach, the marsh or lagoon and the delta.

The beach area was the most inhospitable area of the coastal zone. Vegetation was sparse among the sand dunes known as the offshore zone (the area below the low tide line that extends one-half to one mile outward). Various plants such as sea oats stabilized some dunes, but there are few grasses in the offshore zone. Likewise, flora that was important to aboriginal subsistence such as china brier, Spanish bayonet, Yaupon, live oak, Cabbage palm, Saw palmetto and prickly pear.¹³

Indigenous animals to the beach were generally small and had adapted to the near desert environment of the dunes. The sea turtle was the principle animal that the Yamasees depended on for beach food. Prized for its flesh and numerous eggs laid, its seasonal appearance was unfailing. A second species valued was the coquina shell. This small bivalve still occurs in large quantities on all Atlantic beaches.¹⁴

Except for the sea turtle, there was little to attract Indians to the beach. Food resources were more abundant further inland, thereby forging for food and living on the beach was unnecessary. Actually the beach was an undesirable place for settlement because of its extreme exposure to storms, winds and occasional hurricanes that struck furiously.¹⁵

Aboriginal life revolved around the lagoon-marsh area of the coastal sector. A few hundred feet from the beach, it was rich in resources for aboriginal use. The islands, creeks, marshes and lagoons that form this area were and continue to be expansive along the South Atlantic coast. Due to the tide, the drainage of the salt marshes was probably dynamic because of the heavy silt. The marsh was usually impossible to get around on foot either at low or high tide, so the Yamasees used dugout canoes for travel.¹⁶ On the Georgia and Carolina coasts, high ground in the lagoon and marshy sections probably produced large fresh water or brackish swamps since this occurs presently. The flora is diverse consisting of palmettos, scrub oak varieties, and yucca varieties, but none of these plants were a part of the Yamasee diet, according to archaeological data.¹⁷

Presently the terrestrial and aquatic life of the region varies with numerous bivalves, gastropods, crustaceans and fish available for human consumption. Evidence indicates that several reptile orders were eaten by the Yamasees that included marine mollusks, the American oyster and the hardshell clams which became the mainstay of the Indians' diet in the lagoon and marsh area. Crustacea (crab and shrimp) are abundant today in this area as well, but evidence show that only crabs were eaten. The most common fish used for aboriginal consumption were shark, marine catfish, sheepshead, black drum and striped mullet. Also, alligators were sometimes eaten. Birds were also a part of

the aboriginal diet, particularly ducks, including the common loon, the double-crested cormorant, the great blue heron, the greater egret and the turkey vulture.¹⁸ Mammals were consumed, especially the white-tailed deer. The black bear, dolphin, pigmy sperm whale and the manatee which appeared in the midden heaps also were eaten. Other animals, the wild turkey, the opossum, raccoon, river otter and cottontail that inhabited the areas, were consumed only periodically.¹⁹

The deltas of the coastal section existed where freshwater rivers continues to enter the Atlantic Ocean. Although basically fresh water or only slightly brackish water remains an environmental characteristic, the delta section is of low relief, composed of sediments deposited in lagoons and offshore bar formations. These characteristics made Yamasee habitation in the delta area intermittent. On the Atlantic coast, there is only a small alluvial fan, and the deltas all seem to be of the estuarine variety.²⁰

On the Atlantic shore, the large rivers have often cut a bluff where they cross an old beach ridge before they enter the ocean, marking the start of the delta section and the end of the pine barrens section. The bluff is a part of the North to South Pleistocene terrace system which parallels the coastline, whereas the delta area is usually a swampy grassland where seawater intrudes, or it is a riverine swamp forest that disallows the intrusion of salt water.²¹

The fauna of the section is also much like the lagoon and marsh section with wading birds nest in the area. Anadromous fishes, including the American shad, glut herring, striped bass, and two species of sturgeon are found here. Essentially, the delta section is like the coast section in that it provides little consistent subsistence that would appeal to an aboriginal population.²²

The Pine barren sector of the Georgia-South Carolina is best defined by both vegetation and physiography. The vegetation can be characterized as vast expanses of long leaf forests. No botanically meaningful areas presently exist that can provide clues about the pre-colonial forests. Its destruction began with colonial settlement and contemporary forest management practices continue to alter the area. Interestingly, the cultural significance of this forest has not been recognized by ethnohistorians and archaeologists. Those that work on problems of aboriginal culture in the Southeast have ignored the presence and significance of the forest because of its destruction occurred before it was systematically investigated.²³

The longleaf or yellow pine was the dominant species, possessing the ability to adapt to fire. This adaptation is the primary factor that gave this species preeminence in this section. The longleaf forest possessed huge tracts of almost pure longleaf pine. The flowering dogwood and several scrub oak species occupy the first understory in restricted locales as well as the saw palmetto.²⁴ Along the river valleys that crossed the region were the floodplain forests where bald cypress, red maple, rattan vine, pecan, hackberry, water locust, several gums and many oaks that grew in profusion. In general, the physiography of the region is typified by an extensive, well drained upland, gently rolling to hilly. The soils are sandy and sand clay in the higher region. Over forty inches of rain leaches out large amounts of the nitrogen and other soil nutrients.²⁵

The faunal resources important for Indian subsistence are not very prevalent in the longleaf pine forest. Most of the deer, the bear, the raccoons, the opossum and other mammals common to the area stayed in the floodplain forest, only venturing out when rivers were overflowing. The only plentiful source of food in the longleaf forest was the wild turkey. Most of those sites were associated with flood plain forest subsistence. Before the white contact

period, the Pine barrens section supported few, if any, permanent aboriginal populations except for along the river floodplains.²⁶

Yamasee Behavioral Environment

Yamasee attitudes, roles, philosophies, rule and emotional responses during the pre-contact period is to assess. Yet, scholars have paid very little attention to Yamasee behavior. The contemporary ethnology of Yamasees has largely been ignored by ethnohistorians, historians and anthropologists.

Yamasee or Guale people referred to themselves as the Tamathli, "People of the High Ground." A common English pronunciation of spelling of this word is Altamaha. Their language is probably closely related to the Hitchiti dialect of the Muskoghean linguistic group.²⁷ Young boys were called "ticibane" until they were initiated into manhood. Then, each youth was given a name chosen because of an achievement or a special trait. A girl was called by family terms or named at birth after a meteorological occurrence or special event. As a people, Hernando De Soto observed that Yamasees were basically generous. At Cutha Fichique about twenty-five miles south of Augusta, Georgia, De Soto met a female leader who stated:

...good wishes are to be valued more than all the treasures of the earth...
With sincerest and purest good-will I tender you my person, my lands, my
people and make these small gifts.²⁸

The woman gave a string of large pearls to De Soto. Seeing how much he prized the pearls, she said there were more in the graves of her people nearby. In general, early accounts portrayed the Yamasee as peaceful and loving people prone to mirth and dancing once daily work routines were done. The roles of men and women were strictly defined according to work and kinship.

Yamasee philosophy and religion focused on a culture hero named Datha or Ocasta. Datha or Ocasta was God's helper, and he was a powerful giant. When he came to earth, he saw people killing animals with flint points. This frightened him so he picked up pieces of flint and made a stonecoat to protect himself from humans. Ocasta's only magical power was the ability to disappear, but he could not do so in front of humans. Legend claims that Ocasta was the source of evil. He made witches and other bad things and went from village to village causing trouble. The people disliked his behavior, and devised a plan to get rid of him.²⁹

The people stationed seven nude, moon-sick (menstruating) women in the woods where Ocasta would pass. As he came down the path, he saw one in succession and became very ill from seeing so many moon-sick women. When he fell down, the women picked some flint from his armor, then drove a stake into his heart to hold him down. All the men quickly gathered around Ocasta, and he promised to leave the earth. Before leaving, Ocasta taught the people songs and dances to please the Creator and to help them win wars and heal the sick. He gave power to some men who became the first medicine men. When his body began to burn, his spirit rose singing. He had created both good and evil, and had sacrificed himself to save the people from the evil he made.³⁰ The story chronicles the origin of good and evil and the gift of medicines to treat evil.

One of the most important ceremonies was the Snake Dance or Ceremony. Members of the group would assemble at a dance ground and after a period of

dancing, they sat around the dance house. A medicine man would then appear carrying a poisonous snake. Each person drew a small pictograph on a piece of bark representing his wishes for the year. The medicine man would walk slowly around the circle holding the snake's head so that it could see the pictographs and then release the snake in the woods to carry Yamasee wishes into the animal world.³¹

Ceremonies for good weather and social dances, called stomp dances, were an integral part of social interaction. In general, the Yamasee sought to live in harmony with the environment and their neighbors, while ceremonies, dances and games provided appropriate outlets for aggression. Fundamentally the symbolic life of Yamasees involved reciprocity, harmony and respect for creation, yet their behavioral patterns did not appear significantly different from other Southeastern groups.

Yamasee History and Demographic Change

The term Yamasee is often mistakenly thought to be of Indian origin. In fact, the Yamasees were and are Gualean (pronounced "Wallie") Spanish mission Indians that were originally clustered around a village called Amacrisse by the Spanish. Initial contacts with the Tomathli, "People of the High Ground," and the Spanish began in the mid 1500s. Guale was a chief of these coastal people at the time of contact and the Spanish began to refer to Coastal Georgia as Guale. The Cusabos, who lived north of the Savannah River, also spoke the same Muskoghean dialect as the Guales and were separated only by an arbitrary Spanish administrative boundary. In 1566 three Jesuit missionaries were sent from Spain to Coastal Georgia. When the Jesuits landed on Cumberland Island, Father Pedro Martinez was killed by some Guales. By 1573, the Franciscans replaced the Jesuits. Under the Franciscans, missions and presidios were extended as far north of St. Augustine, Florida, as Santa Elena (present day Port Royal, South Carolina).³²

Spanish records reveal that Guale was a frontier province that experienced almost constant strife in its formative years. In 1586 the English adventurer, Sir Francis Drake sacked and destroyed St. Augustine. Consequently the Spanish realized their defenses were overextended and withdrew from the Santa Elena presidio. Hence, Guale became an isolated frontier outpost. There were only ten or twelve soldiers stationed at each of six to eight remaining presidios. In fact, the entire Spanish military presence in the Southeast totaled only about 400 men. In 1597 a Guale Indian leader, known as Juanillo, "Little John", led a revolt against the Spanish missions. A Spanish Friar, Pedro Corpa, interfered with Juanillo's right to become a micco (chief) of Guale. On September 13, 1597, the rebels sequestered themselves in a church at Tolamato (MacIntosh County, Georgia) and killed Father Corpa when he came for his morning devotions. Three days later, Father Blas Rodriquez was captured at Tupique, a few miles north of Tolamato, and was executed. Several more Spanish priests were slain as the revolt swept up and down the coastal province of Guale. But at mission San Pedro on Cumberland Island, the Indians remained friendly, and thus it was the only mission to emerge unscathed from the revolt.

The Spanish Governor led an expedition of 150 men from St. Augustine to put down the revolt in Guale. Spanish soldiers burned Indian villages and fields surrounding the mission. They forced the Guale inland to the Pine barrens, and destroyed all their canoes. In spite of destruction all about them, the Guales

suffered few casualties and were starved into submission due to a drought. Loyalist Indians killed Juanillo at the last rebel stronghold in the interior and delivered his scalp to the Spanish at St. Augustine.³³

For a while, Spanish authorities contemplated abandoning St. Augustine and the entire Southeast, but the Governor was adamant that the mission system could be re-established in Guale. Although Guale seemed lacking in agricultural potential, the Spanish believed colonization would work, while developing the rich interior in an area beyond the Pine barrens called Tama. The agricultural settlements in the interior could in turn support European-style defense settlements on the coast.³⁴

For most of the early seventeenth century, the Spanish re-asserted their presence in Guale through the gradual rebuilding of missions and presidios. No efforts were made to exploit the fertile lands of Tama, although all of the problems that beset the Spanish before Juanillo's revolt continued. Indian unrest and tensions between soldiers and missionaries jeopardized Spanish rule over the area. The missionaries felt that the soldiers were too few for protection during war, even though the friars believed that the soldiers corrupted the morals of the mission Indians. On the eve of English settlement, Spanish missionary zeal had waned and Spanish control over Guale was nominal.³⁵

With the arrival of the English at Charleston in 1670, the Spanish mission system lacked necessary resources to protect the Gualean missions from English and Creek attacks. But fifteen years later, the mission system collapsed. Consequently most of the Guale Indians fled to Creek villages in Tama (central Georgia), or they sought the protection of the English at Charleston. Many Guales, who left the Spanish missions in 1685 to join the English in Cusabo territory above the Savannah River, returned to St. Augustine in 1715 when the Yamasee War broke out. Thus, the Guales left Spanish domination with that name, but returned thirty years later as Yamasees.³⁶

As a result of the conflict between the English and the Spanish in the Southeast, the Savannah River Valley was almost devoid of Indian populations by 1733. Only a small band of Yamacraws (Guale and Creek mixture) at Savannah and a few Yuchis and Yamasees farther up the Savannah River, remained in the area. In fact, many of the Creeks in Tama had fled almost as far west as the Chattahoochee River.

Correcting Misinformation about the Yamasees

The drastic demographic change and the confusion over the term, "Yamasee," has rendered a large amount of inaccurate literature about the Yamasees. The chief problems among contemporary ethnohistorians and their treatment of the Yamasee is twofold. First, many scholars ignore or give only passing attention to Spanish sources. Second, hardly any data from contemporary Yamasee informants is used even though this information was gathered and published a generation ago.³⁷

Many contemporary scholars also use English language sources uncritically. In the JOURNALS OF THE COMMISSIONERS OF THE INDIAN TRADE 1710-1718 (Colonial Records of South Carolina), it is clear that "Yamasee Indians" was a general term. In one letter, the Commissioners talk of "Nations of Yamasee Indians" but at other times, the Palachocolas (Appalachees) and Yamasees are lumped together for administrative purposes. On the other hand, when complaints of Yamasee enslavement are brought to the commissioners, fine

distinctions are made as to who is a Yamasee and who is a Palachicola. Yamasee or Guales and Apalachees were mission Indians that moved to Coastal Georgia for English protection and trade. They shared a common Spanish foe as well as a language and lived amongst each other in close proximity, and intermarriage occurred.³⁸

The population data on Yamasee is colored by the ambiguity of the term. In 1685 Caleb Westbrooks estimated that well over 1,000 Yamasees were seeking the protection of the English and had moved to the Savannah River area.³⁹ In 1715 South Carolina estimated the number of Yamasees to be 1,215 of which about one half was children.⁴⁰ In 1719 after the Yamasee War, there was another estimate of 300-400 adult male Yamasees in the St. Augustine area residing in four or five villages.⁴¹ This would indicate a total population of well over 1,000. In 1732 South Carolina estimated that 40-50 bowman (about 18 families or 200 people) of Yamasee and Creek descent were living on Yamacraw Bluff, the future site of Savannah. These Yamasees at the time of the founding of Georgia acknowledged affinity in language and culture to the Guales, Yamasees and Creeks.⁴²

Given these statistics, we can assume that the Gualean population of coastal Georgia underwent changes but remained fairly stable once they were identified as Yamasees in 1685. This population stability was probably the same under mission rule since Spanish control of the coastal region was always tenuous. Depopulation of the South Carolina coastal region came during and after the Yamasee War. Unscrupulous traders that raped and murdered women and children and seized slaves for debts were major causes of the Yamasee War. Arguments of ecological collapse and declining deer population cannot be substantiated. After the Yamasee War, the English encouraged Creeks to engage in slave raiding among the Yamasees. This forced them to go closer to St. Augustine, or as with the contemporary remnant group, northward to Augusta, Georgia on the fall line of the Savannah River and disguise their identity. The Yamacraws were a part of this disguising process as well.

Some scholars using dubious ecological assumptions about the coastal Southeast have stated that over hunting of deer populations forced the Yamasees into debt. Furthermore, they claimed that domesticated animals such as cattle and pigs reduced the browse and possibly introduced viruses or parasites that made the deer unhealthy. Rapid growth of rice plantations in coastal South Carolina was also offered as evidence of ecological imbalance that threatened Yamasee existence.

These assumptions are based upon the belief that all Yamasees lived and hunted in South Carolina when it is evident that the lower Yamasee towns were in coastal Georgia and along the Savannah River, where no white settlement was in 1715. The rich coastal section from the Savannah River to the St. Mary's River was still under Yamasee control at the outbreak of the Yamasee War. Furthermore, the Yamasees had learned to raise domesticated animals for food from the Spanish during the mission period. This became necessary because contemporary Yamasee informants report that the deer were infected with a moth that laid eggs in the deer's nostrils. When the larvae grew, the deer sneezed blood and grew unhealthy as the metamorphosis continued, but this was a seasonal problem. In fact, modern Yamasee informants say this problem still persists among deer in the region. More importantly, they refused to eat the deer and instead chose to subsist on wild turkey. Thus, the assumption that venison was a principle source of protein is dubious. Rumor has it that such venison was sold for consumption on the plantations! Contemporary informants

say that the surviving Yamasees at Shellbluff Landing, Georgia were originally "fisheaters" from the Atlantic Coast. The name of the groups were Tomathli, Tama, or Tolamato. (Tolamato was one of the lower Yamasee towns in coastal Georgia at the outbreak of the Yamasee War). Stewart R. Shaffer stated that the group moved inland and northward to the junction of the Oconee and Ocmulgee Rivers. Deer was plentiful there but because of worminess, they were not eaten. Shaffer claimed that this was a slow migration and the wild turkey became their principle source of protein. In 1900 an informal census placed 250 Yamasees in the Savannah River Valley.⁴³ (In 1763, 89 Christianized Yamasees under the protection of the Spanish had been removed to the Yucatan peninsula in Mexico.)⁴⁴ No doubt, some Yamasees also were assimilated into Seminole and Creek groups in the colonial period. In essence, Yamasee population experienced decline because of slave raiding and emigration after 1715.

Conclusion

Ecological assumption cannot be separated from human behavior. Coastal Georgia has a rich marsh-lagoon area that supported about 2,000 Gaules at the time of white contact. Yamasee subsistence centered on aquatic animal life and agriculture with some limited dependence on deer, opossums and other land mammals. Beyond the marsh-lagoon area lay the Pine barrens. Archaeological, ethnohistorical, ecological and ethnological data indicate it was supportive only of the Longleaf Pine and very little animal life. Only a narrow strip of land suitable for livelihood existed along the banks of rivers in the Pine barrens region.

The Yamasees were an adaptable people. They practiced effective fertility management with families having two or three children, and were adept at resisting Spanish and English oppression. When the English deerskin trade became important, the Yamasees became quickly involved. Long associations with the Spanish had made them aware of the benefits of commercial trade. Some Yamasees even moved to South Carolina to be closer to the trade, thus depopulating Guale (Coastal Georgia) partially. From 1685 to 1715, these upper towns in South Carolina became more dependent on the English and the role of the adult male changed from subsistence hunter to commercial hunter. Yamasee women probably re-directed a portion of their activities away from gathering to finishing deerskins. Agriculture remained a stable pursuit for women because it was done in the warm months when the hunting season was not as important.

Gradually slave raiding, debts and the encroachment of white plantations forced the Yamasees in the upper towns to revolt. Rebellion was a time honored Yamasee method of dealing with Spanish or English oppressors. Moreover, they knew that the sparsely populated Guale as far as St. Augustine was susceptible to retreat. Hence, the Yamasees' depopulation occurred due to war in South Carolina but not in Coastal Georgia. The activities of the Yamacraws should be taken into account, including both the current remnant group at Shellbluff Landing, Georgia and the group of Yamasee that returned to St. Augustine. Unfortunately the unsavory and exploitative behavior of the Spanish and the English caused recurring conflict.

After the South Carolinians attracted and used a tribe like the Westos or the Yamasee for commercial reasons, they were discarded for a new group of Indians farther away. George Chicken's journey to the Cherokee to ask for aid in the Yamasee War signaled the increasing importance of the deer skin trade

with the Cherokees.⁴⁵ Thoroughly disgusted with English behavior, the Yamasee withdrew from the English sphere of influence as they had earlier withdrawn from the Spanish. Some Yamasees chose a Spanish alliance however, while others chose autonomy. A measure of Yamasee power is that after their defeat in 1715, the English were unable to begin to settle coastal Georgia until 1733. Also, the Georgians maintained a non-expansionist, utopian-like colony for several decades after its founding. Meanwhile, the Yamasees pursued a conscious policy of peaceful co-existence. But the Yamacraws still withdrew non-violently from Savannah a few years after the founding of Georgia. Perhaps those groups that had continuous contact with the English preferred to withdraw rather than go through the cycle of trade, exploitation and violence that occurred in the Coastal Southeast.

In summary, ecological, historical and archaeological evidence reinforces the concept that Yamasees existed on the marsh-lagoon section of the Georgia coast as well as the floodplain of rivers. This ecology was not changed until the founding of Georgia. Depletion of the deer herds did not occur in Georgia until white settlement. Yamasees in South Carolina may have experienced some decline in deer herds, but they were not the largest part of the tribal population. Unscrupulous traders and fear of enslavement for debts caused the Yamasee War. Aboriginal depopulation of the coastal region occurred through emigration inland, immigration to Spanish Florida, and slave raiding of Yamasee settlements after the Yamasee War. Finally, generalizations about Yamasees should be tempered with the realization that they were a group of Gualean Indians who left Florida missions to trade with the English.

CHAPTER 2

NOTES

1. See Mary P. Andrews, Margaret M. Bubloz and Beatrice Paolucci, "An Ecological Approach to the Family," MARRIAGE AND FAMILY REVIEW, Vol. 3, No. 3 (Summer, 1980) for a fuller discussion of these ideas.
2. See Charles Hudson, THE SOUTHEASTERN INDIANS (Knoxville: University of Tennessee Press, 1976), Chapter 4, and Joseph R. Caldwell, Catherine McCann, and Frederick S. Hulse, IRENE MOUND SITE, CHATHAM COUNTY, GEORGIA (Athens: University of Georgia Press, 1941), pp. 60-73.
3. See Luis Geronimo de Ore, THE MARTYRS OF FLORIDA (1612), trans. by Maynard Geiger, FRANCISCAN STUDIES, No. 18 (New York: Joseph F. Wagner, Inc., 1936), pp. 40-44, and Peter Martyr D'Anghera, DE ORBE NOVO (1587) (New York: G. P. Putnam & Sons, 1912), Vol. 2, pp. 259-60.
4. IBID., and Hudson, SOUTHEASTERN INDIANS, Chapter 4.
5. Martyr, DE ORBE NOVO, p. 258, and Caldwell, et al., IRENE MOUND, p. 68.
6. IBID., and Jeanette T. Connor, ed., COLONIAL RECORDS OF SPANISH FLORIDA, 1570-1577 (Deland: The Florida State Historical Society, 1925), Vol. 2, p. 239.
7. David I. Bushnell Jr., NATIVE VILLAGES AND VILLAGE SITES EAST OF THE MISSISSIPPI, BUREAU OF AMERICAN ETHNOLOGY (Hereinafter BAE), BULLETIN, No. 69, (Washington: U. S. Government Printing Office, 1919), pp. 84-87.
8. Caldwell, et al., IRENE MOUND, pp. 25-33, and Matyr, DE ORBE NOVO, pp. 261-65.
9. For extensive archeological data on the lifestyle of Coastal Indians see: Regina Flannery, "Some Notes on a Few Sites in Beaufort County South Carolina," BAE, No. 133, (Washington: U. S. Government Printing Office, 1943), p. 150, James B. Griffin, "An Analysis and Interpretation of the Ceramic Remains from Two Sites near Beaufort, South Carolina," BAE, No. 133, (Washington: U. S. Government Printing Office, 1943), p. 159, and James B. Griffin, ed., ARCHEOLOGY OF THE EASTERN UNITED STATES (Chicago: University of Chicago Press, 1952). For insights into fertility, see Robert Ferguson, "The Present State of Carolina with Advice to the Settlers," (London: John Bring Hurst, 1682), pp. 14-15 in South Carolina Historical Society (Hereinafter SCHS), and Gene Wadell, INDIANS OF THE SOUTH CAROLINA LOW COUNTRY, 1562-1757 (Columbia: University of South Carolina Press, 1980), p. 1.
10. George Milliken-Johnson, "A Short Description of the Province of South Carolina ...," (London: John Hinton, 1763) in SCHS.
11. J. F. D. Smyth, A TOUR OF THE UNITED STATES (London: G. Robinson, J.

Robson, and J. Sewell, 1784), Vol. 1, pp. 187-90 located in the South Carolina Historical Society.

12. Gonzalo Fernandez de Oviedo, HISTORIA GENERAL Y NATURAL DE LAS INDIAS, Vols. 117-121 of BIBLIOTECA DE AUTORES ESPANOLAS (Madrid: Graficas Orbe, 1959), Vol. 120, pp. 327-28.

13. William T. Penford and M. E. O'Neil, "The Vegetation of Cat Island, Mississippi," ECOLOGY Vol. 15, No. 1, (Spring, 1934), pp. 1-13, Victor E. Shelford, THE ECOLOGY OF NORTH AMERICA (Urbana: University of Illinois Press, 1963), pp. 78-80, and Henry J. Oosting, "Ecological Processes and Vegetation of the Maritime Strand in the Southeastern United States," BOTANICAL REVIEW, Vol. 20, No. 3, (Summer, 1954), pp. 226-62.

14. Shelford, ECOLOGY OF NORTH AMERICA, pp. 79-80.

15. IBID. Also, the tragic experience of Jonathan Dickenson during the winter of 1696-1697 is testimony to the inhospitable nature of the coastal strand. See Evangeline W. Andrews and Charles M. Andrews, eds., JONATHAN DICKENSON'S JOURNAL OR GOD'S PROTECTING PROVIDENCE (New Haven: Yale University Press, 1945). For an interesting analysis of an aboriginal community near the beach, see Charles H. Fairbanks, "Gulf Complex Subsistence Economy," SOUTHEASTERN ARCHAEOLOGICAL CONFERENCE BULLETIN, Vol. 3, pp. 57-62, and Preston Holder, "Excavations on Saint Simon's Island," (Winter 1936-1937), "PROCEEDINGS OF THE SOCIETY OF GEORGIA ARCHAEOLOGY, Vol. 1, No. 1, (Spring, 1938), pp. 8-9. Furthermore, the historical accounts of early contacts (Cabeza de Vaca, Hernando de Soto, Jonathan Dickenson, and Jean Ribault) place aboriginal habitation in the lagoons and/or freshwater deltas of freshwater streams on the South Atlantic coast.

16. Shelford, ECOLOGY OF NORTH AMERICA, pp. 64-82.

17. IBID.

18. IBID., and Lewis H. Larson, ABORIGINAL SUBSISTENCE TECHNOLOGY ON THE SOUTHEASTERN COASTAL PLAIN DURING THE LATE PREHISTORIC PERIOD (Gainesville: University of Florida Presses, 1982), pp. 13-20.

19. IBID., and Dixon Hollingsworth, INDIANS OF THE SAVANNAH RIVER (Sylvania, GA: Patridge Pond Press, 1976), pp. 22-25.

20. Thornbury, GEOGMORPHOLOGY, p. 172.

21. Larson, ABORIGINAL SUBSISTENCE, pp. 21.

22. IBID., p. 22.

23. Colonial Observations of the Longleaf forest of the Southeastern are available. See Francis Harper, ed., THE TRAVELS OF WILLIAM BARTRAM, NATURALIST'S EDITION (New Haven: Yale University Press, 1958), p. 19.

24. See William G. Wahlenberg, *LONGLEAF PINE* (Washington: U. S. Department of Agriculture, 1946) for an extensive discussion of fire and the Longleaf pine. Also see H. H. Chapman, "Is the Longleaf Type a Climax?" *ECOLOGY*, Vol. 4, (Winter, 1932), pp. 328-34.
25. See Francis Harper, annotator, "Diary of a Journey through the Carolinas, Georgia and Florida, from July 1, 1765 to April 10, 1766," in *TRANSACTIONS OF THE AMERICAN PHILOSOPHICAL SOCIETY*, n. s., Vol. 23, pt. 1, p. 15.
26. Larson, *ABORIGINAL SUBSISTENCE*, pp. 51-56.
27. Uniformly, contemporary ethnohistorians ignore the existing Yamasee community in Shellbluff Landing, Georgia (ten miles South of Augusta, Georgia). For studies of modern Yamasees, see James H. Howard, "The Yamasee: A Supposedly Extinct Southeastern Tribe Rediscovered," *AMERICAN ANTHROPOLOGIST*, Vol. 62, No. 4, (August, 1960), pp. 681-83, and James H. Howard, "Altamaha Cherokee Folklore and Customs," *JOURNAL OF AMERICAN FOLKLORE*, Vol. 72, No. 284, (Spring, 1959), pp. 134-38. In 1948, William H. Gilbert refers to the existing Yamasee band in *SURVIVING INDIAN GROUPS OF THE EASTERN UNITED STATES*, Smithsonian Institute Annual Report, (Washington: Smithsonian Institution, 1948), p. 422. Instead of dealing with the corpus of ethnology and folklore on the Yamasees, most ethnohistorians depend uncritically upon John R. Swanton, *THE INDIAN TRIBES OF NORTH AMERICA*, BAE, No. 145, (Washington: U. S. Government Printing Office, 1952). On page 113, Swanton classifies the "Tamathli" as a Creek group. The ignoring of the Yamasee continues in Walter Williams, ed., *SOUTHEASTERN INDIANS SINCE THE REMOVAL ERA* (Athens: University of Georgia Press, 1979). Swanton's earlier work omits reference to Yamasees also. See John R. Swanton, *EARLY HISTORY OF THE CREEK INDIANS AND THEIR NEIGHBORS*, BAE, No. 73, (Washington: U. S. Government Printing Office, 1922).
28. Edward G. Bourne, ed., *NARRATIVE OF THE CAREER OF HERNANDO DE SOTO* (New York: Allerton Books, 1904), Vol. 1, pp. 65-66, and Helen Todd, *TOMOCHICHI* (Covington: Cherokee Publishing Company, 1977), Chapter 1.
29. Howard, "Altamaha Cherokee," p. 136.
30. *IBID.*, pp. 136-37.
31. *IBID.*
32. Connor, *RECORDS OF SPANISH FLORIDA*, Vol. 2, pp. 225-27, and John Tate Lanning, *THE SPANISH MISSIONS OF GEORGIA* (Chapel Hill: University of North Carolina Press, 1935), pp. 104-05.
33. For a more detailed discussion of the revolt, see Lanning, *MISSIONS*, and Hollingsworth, *INDIANS*.
34. M. Serrano y Sanz, ed., *DOCUMENTOS HISTORICOS DE LA FLORIDA Y LA LUISIANA, SIGLOS XVI AL XVII* (Madrid: Libreria General de Victoriano Swarax, 1913), pp. 166-67, and Conner, *RECORDS OF SPANISH FLORIDA*, Vol. 2, pp. 225-27.

35. Serrano y Sanz, DOCUMENTOS, pp. 132-67, Lewis Hank, THE SPANISH STRUGGLE FOR JUSTICE IN THE CONQUEST OF AMERICA (Philadelphia: University of Pennsylvania Press, 1949), p. 83, 91-92, and 173.
36. Serrano y Sanz, DOCUMENTOS, p. 132, Hollingsworth, INDIANS, pp. 23-26.
37. Richard L. Haan, "The Trade Do's Not Flourish as Formerly": The Ecological Origins of the Yamasee War of 1715," ETHNOHISTORY, Vol. 28, No. 4, (Fall, 1982) is a good example of such works. Haan argues that depletion of the deer on the coastal plain and the decline of Yamasee slaveraiding led to indebtedness and war in 1715. Haan downplays the work of Verner Crane, THE SOUTHERN FRONTIER (Ann Arbor: University of Michigan Press, 1929), Chapman Milling, RED CAROLINIANS (Chapel Hill: University of North Carolina Press, 1940), and M. Eugene Sirmans, COLONIAL SOUTH CAROLINA (Chapel Hill: University of North Carolina Press, 1966), that emphasizes trader abuse as the main cause of the Yamasee War.
38. W. L. McDowell, ed., JOURNALS OF THE COMMISSIONERS OF THE INDIAN TRADE, SEPTEMBER 20-August 29, 1718 in COLONIAL RECORDS OF SOUTH CAROLINA, series 2, (Columbia: South Carolina Archives, 1955).
39. Caleb Westbrook to Deputy Governor of Carolina, February 21, 1685, Great Britain Public Records Office, Vol. 2, pp. 8-9.
40. Governor Johnson to the Lords of Trade, January 19 to February, 1720, Great Britain Public Records Office, 1964, Vol. 31, p. 302.
41. "Address to the Lord's Commissioner for Trade and Assembly's Answers to their Lordship's Queries," January 29, 1919 in Coe Papers, SCHS.
42. McDowell, ed., JOURNALS (1736-1739), Vol. 1, pp. 153-54.
43. Howard, "Yamasees." In Hugh T. Lefler, ed., JOHN LAWSON, A NEW VOYAGE TO CAROLINA, 1709 (Chapel Hill: University of North Carolina Press, 1967), p. 15, it was observed that a hunting party killed "two deers, which were very poor and their Maws fill of large grubs..." On p. 34, Lawson laments that "... Fat Turkeys began to be loathsome to us, altho' we never wanting of a good appetite, yet a continuance of one diet, made us very weary ..." This ethnohistorical evidence of conditions on coastal Carolina gives credence to the observation of contemporary Yamasee informants. For a detailed discussion of his phenomenon in the deer population, see "Robert M. Blair, WHITE-TAILED DEER IN THE SOUTHERN FOREST HABITAT (Washington: U. S. Department of Agriculture, 1969). For a discussion of Indian slavery see Donald A. Grinde Jr., "Native American Slavery in the Southern Colonies," INDIAN HISTORIAN, Vol. 10, No. 2, (Spring, 1975), pp. 38-42.
44. Robert Gold, "Conflict in San Carlos: Indian Immigrants in Eighteenth Century Spain," ETHNOHISTORY, Vol. 17, No. 1, (Winter, 1970), pp. 1-10. The ongoing debate with regards to the total population of the Western Hemisphere changed in the 1970s. See Henry F. Dobyns, NATIVE AMERICAN HISTORICAL DEMOGRAPHY (Bloomington: Indiana University Press, 1976), Alfred Crosby Jr.,

THE COLUMBIA EXCHANGE (Greenwich: Greenwood Press, 1972), William M. Denevan, ed., THE NATIVE POPULATION OF THE AMERICAS IN 1492 (Madison: University of Wisconsin Press, 1972). Most of the work points to an upward revision of native populations (90 million in 1492) and much of the depopulation seems due to disease.

45. George Chicken, JOURNAL OF GEORGE CHICKEN (1715-1716) in YEARBOOK OF THE CITY OF CHARLESTON (Charleston: City of Charleston, 1894).

"Saving the Red Man with the Christian Gospel"

With the musket and plow, the white settlers brought the Bible with them to Native America. Christian religions of various orders, including Catholicism and Protestantism, established a religious frontier in the New World that involved saving the pagan natives' souls. After 1600, the gospel spread rapidly through the teachings of Puritan John Eliot in Massachusetts, Bishop Henry J. Whipple preaching Episcopalianism among the Chippewa and Santee Sioux in Minnesota, and Marcus and Narcissa Whitmans, American Board missionaries, in the Pacific Northwest. Perhaps the most broadest religious effort was undertaken by the American Board of Commission of Foreign Missions that followed eastern tribes along the "Trail of Tears" removal to the West.

Throughout North America, missionary efforts attempted and succeeded in converting Indians to Christian religions. The objective of salvation was simple. The "white man" viewed the "red man" as a primitive savage who could be saved through the gospel. This religious frontier in America occurred in every geographic region with the cross and Bible challenging the deeply ingrained ceremonial beliefs of the Indians.

In the Southeast the American Board of Commission for Foreign Missions was concerned about the tribes and their welfare in general. Protestant religions like Baptist and Methodist flourished among the Cherokees, Creeks, Choctaws, and Chickasaws. French Catholicism was influential in the Great Lakes region. By 1625, the Society of Jesus had replaced the Franciscan Recollects in the Great Lakes area and by the summer of 1648, one Huron in five had been converted. In the next two years, more than 3,000 were baptized. Lutherans and Episcopalians were also in the area. The Moravians established missions among the Delawares, the Presbyterians among the Wyandots, and the Quakers were with the Miamis and Potawatomis. Catholicism prevailed To the west on the Northern Plains among the Sioux. The Southwest was heavily Catholicized when the Pueblo groups were introduced to the religion by the Spaniards. Indians of California were affected in the same way, and the legacy is seen in the missions left behind. In Utah, the Mormons worked among the tribes.

The following essay by Jean O'Brien focuses on the impact of Puritanism on the Massachuset Indians in the Northeast. Puritanism as it was led by its famous spokesperson, John Eliot, also taught the Indians education and civilization as they learned a new way of life.

CHAPTER 3

THE PRAYING INDIANS OF NATICK, MASSACHUSETTS, 1650-1677: THE DYNAMICS OF CULTURAL SURVIVAL

Jean M. O'Brien

English settlement in seventeenth-century America initiated a precipitous decline for Indians who lived in the New England area. A complex network of Indian villages and groups suffered profound dislocation as English settlement expanded and accelerated. Population decline stemming from recurrent epidemics effected Indians in southeastern Massachusetts early in the seventeenth century. This essential demographic fact, coupled with fundamental reorientation of aboriginal economic systems, caused massive disruption of social and cultural patterns. By mid-century, many of these Indian societies struggled for survival.

Contrasting the precariousness of their social and cultural constructions with prosperous English settlements successfully expanding around them, many Indians began to question their traditional organizing principles. Although not actively searching for new methods of societal reform, Indians responded to cultural change brought about by white influences. Puritan missionary John Eliot presented the Indians with a comprehensive proposal for an alternative set of ideas about social and cultural organization in the 1640s, and a decade later, some Indians accepted his plan. The scheme involved Indian settlement on a specific site with their devoted acceptance of English religious, social, cultural, and economic forms. Between 1650 and 1674, Eliot's zealous missionary activities eventually resulted in the establishment of fourteen Indian Praying towns in Massachusetts.

Adopting the rigidly forms of Puritanism was facilitated by the mutual acceptance of certain fundamental assumptions regarding religious, political and economic orders. Indians and Puritans both believed in a world in which the experiences of people were intimately related to a spiritual superstructure. Both peoples accepted a hierarchical political system designed to meet the needs and determine the responsibilities of community members. Indians and most Puritans relied heavily upon agriculture for subsistence. Revering their respective cultures as superior and fundamentally different, the participants initially did not perceive these points of similarity. By interpreting the changes required of them in relation to their traditional cultural matrix, Indians could understand and apply those changes expected of them in Praying towns without effecting a comprehensive refutation of their culture.

Although the traditional social structure of Indians served the same objectives as that of the English in integrating individuals into a community unit, the colonists generally failed to recognize that a complex Indian social structure existed at all. Eliot elaborated a plan to introduce civil government for missionized Indians based on the fundamental misconception that Indians lacked any semblance of rational organization. His bias, shared by other Englishmen, prevented him from understanding the nature of Indian transition from the practice of traditional ways to ostensible acceptance of English forms. Indians could entertain English proposals by relating the changes asked of them to their traditional structures. This comparison reconciled contradictions between the two societies, while encouraging the Indians to experiment with a new survival strategy.

Natick, the first Indian Praying town, was established between 1650 and 1677. It epitomized Eliot's missionary efforts, and formed one model for early Indian conversion and Puritan-Indian relations. Settlement in Natick was an effective means for the Indians to incorporate a few new notions about social and cultural patterns while simultaneously retaining the substance of their traditional structures. Indians became willing to experiment, according to John Eliot's specified program, with modified definitions of social and cultural organization as part of a larger survival strategy.

Participants in the Natick experiment operated from two very different sets of motivations. Indians, primarily concerned with insuring their survival in an increasingly hostile environment, became willing to make concessions in their cultural construction. Puritans, on the other hand, and in particular John Eliot, were concerned with the task of converting the New World Indians to their religion, which they considered as the only true belief system. They believed conversion could only be accomplished by eradicating Indian culture and religion, which they viewed as savage and heathen.

Natick provided the context by which Eliot could work out his ideas about Indians, their conversion and missionary models, all of which were subject to continual reformation.¹ Eliot devised a system of recruitment and a structure that would encourage the active participation of Indians in his proposed town. Native leadership structures were created in all aspects of Natick society. Extending this concept, Eliot also selected converted native people to participate in an elaborate network of Indians working as missionaries among other Indians. Natick provided a ready pool not only of native missionaries, but of Indians trained to assume positions of leadership in other Praying towns.

Even though the participants' motivations in the missionary exchange were different, reconciliation of these two perspectives was not inconceivable. The settlement of Natick as an Indian Praying town became possible because of Indian responsiveness to structural alterations in their society that were perceived as preservative and restorative of older patterns. Indian willingness to respond to English proposals encouraged Puritans, and especially John Eliot, to implement a comprehensive and energetic missionary program. In this manner, the Indian quest for a successful survival strategy meshed with the Puritan goal of wholesale conversion of the New World Indians.

During the first half of the seventeenth century, Puritan settlers accepted the conversion of North American Indians to Christianity as a fundamental part of their task in the New World. The first Massachusetts Charter of 1629 stated that Massachusetts inhabitants should

be soe religiously, peaceable, and civily governed, as their good Life and orderlie Conversacon, maie wynn and incite the Natives of the Country, to the knowledg and Obedience of the onlie true God and Sauior of Mankinde, and the Christian Fayth, which in our Royall intention, and the Adventurers free Profession, is the Principall Ende of the Plantation.²

Before the 1640s, that goal remained largely a rhetorical one, and a point on which critics could reprove the New England Puritans.³ To the Puritans, the objections could be disputed conscientiously, since the plantations of English towns and the entrenchment of English society clearly took precedence over any concerted proselytizing efforts. Colonization needs had to be met before serious missionary work could be undertaken.

In the 1640s, Thomas Mayhew on Martha's Vineyard, and John Eliot in the Boston vicinity studied the Algonquian language and embarked upon the first substantial Puritan missionary activity. They were the most diligent and successful of the early missionaries to win converts. Traveling among the natives, they learned about Indian culture while attempting to root it out and replace it with their own. Mayhew approached a hopeful individual, regardless of his status, working to convert him and by this method eventually to gain a foothold among the larger Indian group. Eliot, on the other hand, sought to work through the existing social structure. By converting those Indians who were influential, other members of the community could be persuaded to follow their leaders--an approach that caused only slight disruption in the social patterns.⁴

On a practical level, Eliot believed that two fundamental props of Indian culture and society had to be attenuated before Indians would consider altering their religious beliefs and accept Puritan values. Under proper supervision, Indian allegiance to sachems and powwows could be transferred to English-type magistrates and a Puritan leadership structure. Removing the native political structure was theoretically less problematic than eradicating the religious leadership. Eliot recognized that winning a sachem's confidence could accelerate the pace of converting the Indians:

I doe endeavor to engage the Sachems of greatest note to accept the Gospel, because that doth greatly animate and encourage such as are well-affected, and is a dampening to those that are scoffers and opposers: for many such there be, though they dare not appear before me.⁵

Sachems could be deterrents to spreading the word; yet they could also affect two groups of Indians who were potentially disposed toward Puritanism: those who wished to investigate conversion and those generally inclined to follow the sachem's advice and suggestions.

The undermining of Indian religious leaders constituted a more urgent problem, especially for Puritans who were concerned with eradicating Indian religious practices. In short, they interpreted powwowing as superstitious devil worship. Furthermore, the General Court forbade it, and codes of behavior drawn up in Indian villages with the aid of Englishmen, imposed fines upon those who participated in nativistic religions.⁶ In response, Indians generally voiced apprehension over Puritan attempts to root out ceremonies: "if [we] leave off Powwowing, and pray to God, what shall [we] do when [we] are sick?"⁷ Eliot hoped to introduce knowledge of "physick, [as] a most effectuall meanes to take them off from their Powwawing."⁸ His plan was never implemented, but the deadly spread of small pox, and other epidemic diseases graphically demonstrated to Indians that their traditional methods were ineffective against the white man's sickness.

Initial setbacks in converting the natives were based, in part, to vehement rejection of the Christianizing methods of Catholics. To Puritans, Catholic efforts to convert the native consisted of insincere, irresponsible bribes and simplistic instruction. In the Puritans' eyes, conversion to Puritanism was a much more complicated matter than simply administering baptisms. Standards of church membership were expected to be high for Indians as well as Englishmen. The Puritan doctrine demanded that Indians engage in praying, preaching, instruction, and meticulous behavior. In 1702, Cotton Mather reflected back to this earlier period, "we could have baptised many troops of Indians, if we would

have used no other measures with them."⁹ As a result, few Indians were converted to Puritanism before the 1640s.

The self righteousness and rigidity of Puritan beliefs, in conjunction with English xenophobia, made them demand that Indian converts reject all aspects of their native culture. They considered attaining "civility" through accepting the English way of life a prerequisite to conversion. This value system shaped the Puritan approach to their initial missionizing activities.

Analysis of the doctrinal confessions recorded at an assembly of Indians meeting at Natick in 1652 and at Roxbury in 1659, provides a wealth of information on Native American responses to missionary efforts and individual motivations for settlement in Natick. Although recorded by English missionaries attempting to prove Indian devotion, the confessions, nonetheless, reveal Indian perceptions of the conversion to Puritanism. In their confessions, the Indians discussed their initial reactions to missionization, related events that influenced their conversions, their decisions to reside in Praying towns, and the types of strategies used by Eliot for winning converts. It is also possible to learn about the manner in which Indians interpreted Puritan theology, while understanding the impact on their lives, and learning about individuals acting upon their own experiences within a collective context.

Puritans uniformly attempted to convey the impression that Praying Indians instantaneously embraced Christianity. But in the confessions of eighteen Indians, not a single individual corroborated the optimistical statements of the Puritans. The most blatant example of misrepresentation is the case of Waban. Eliot consistently portrayed Waban as a model convert who was quickly convinced to accept the gospel.¹⁰ Instead, Waban stated that his reasons for receiving Englishmen had little, if anything, to do with immediate respect for Christianity. At first, he despised "the knowledge of God" and continued to practice his traditional religion. Waban confessed to being afraid that "if we did not pray, the English might kill us."¹¹ He further stated that one of his primary reasons for continuing to listen was that "they would give me good victuals."¹²

Waban's reluctance to accept the gospel suggests the crucial dilemma confronting him. Puritan religion represented only one segment of the Puritan lifestyle that soon threatened Massachusetts nativism. As Praying towns were structured to be total institutions, Indians were expected to abandon their own culture. The magnitude of this change assured the Puritans that hesitation would be the characteristic response of all Indians. Ambivalence was evident in the doctrinal confessions, which were solicited only from the most pious Indians: uncertainty was surely even more evident among Indians who simply went along with the decision to reside in Praying towns.

The incentives for those Indians considering conversion to Puritanism fell into two general categories. One kind of incentive appeared to the Indians as "preservative." The Indians believed that Puritanism, in some small way, would help perpetuate traditional Indian values, needs, and mode of existence. Second, many Indians believed that concrete benefits could be reaped from acquiescence in English ways.

Indians hoped that by accommodating the Puritans, their land would be preserved. By submitting themselves to the English system, the Indians would receive special consideration with regard to their land. One of the reasons that John Speen began to pray was defensive, "because I saw the English took much ground, and I thought if I prayed, the English would not take away my ground."¹³ Indians were not concerned with having land as simply an economic

asset. Rather, they were attempting to preserve at least a portion of traditional lands and community. When Nishohkou began to pray, "it was because I loved our place and dwelling," he said.¹⁴ In his original design, Eliot had hoped to gather all willing natives into a single Praying town. Many individuals refused, preferring their own traditional lands to the Natick site. The proliferation of many small Praying towns was dictated as much by Indian demands as by the Puritan's grand plan. A second preservative impulse is closely related to the first. Indian confessions revealed a strong desire to maintain families and communities. As Eliot understood, the recruitment of community leaders--sachems and other influential members of Indian society--was a useful strategy in accelerating conversion. Seven of the eighteen Indians for whom confessions are available attributed their eventual conversion to either Waban or Cutshamekin.¹⁵ Family members also encouraged conversion. Anthony cited the examples of Wampooas, Totherswamp and Waban, but it was especially his brothers who convinced him.¹⁶ At Sudbury, Wutaskompauin "heard Waban prayed to God." Although he was at first "not glad of it," Waban eventually convinced him and he "resolved he would pray to God, and carry our children to Roxbury, that they might learn to pray."¹⁷ Owussumag related how first Waban, and then many others began to pray. He initially felt no inclination to do so, and fled his original habitation. But, the old ties proved to be strong.

When some of my neighbors began to pray, I went always into the Country, but I could find no place where I was beloved ... last year I thought of going away again, but I could think of no place, but I should be in danger of being killed.¹⁸

Though Eliot preached to Indians at various places in Massachusetts, a large majority of Natick Indians seem to have lived at Nonantum or Cohannet originally. The retention of personal relationships and loyalties certainly figured prominently in the decisions of Indians who removed to Natick.

Removal to Natick brought changes in Indian lifestyle, but on the whole, the people believed that they would be able to retain their traditional values. Settling in Natick did not require substantial geographic relocation. In fact, with Englishmen generally sanctioning grants of towns to Indians, the danger of total expulsion from traditional lands decreased. Traditional subsistence patterns had to be modified in some particulars. For instance, the people were expected to reject seasonal removal for food gathering. Modifications occurred, but much of the basic construct remained and settlement in Natick actually preserved the substance of community life. The acceptance of a new religious system offered a whole set of new community relationships, complete with collective rituals to reinforce the social unit.¹⁹ In sum, settlement in Natick became a defensive option for Indians, who witnessed the changes of the seventeenth century in fear and uncertainty. They considered life in Natick as a viable alternative for permitting the retention of many traditional values and community props.

Indian desires to obtain concrete benefits comprised the second type of inducements for settlement at Natick. In their confessions, the people made references to material items to be gained from converting to English ways.²⁰ Many also expressed the desire to learn white man's skills. At an early Indian Lecture, Monequassun, who became the school master in Natick, asked "how should I get wisdom?" The answer he received made him consider praying. At the next Lecture he was taught "if any lack wisdom, let him ask it of God, who

giveth freely to them that ask him, and upbraideth no man."²¹ Nishokou, Poquanum, Nookan and Waban all referred to an early desire to learn.²² Anthony's brother convinced him to become a servant in Roxbury, where he might learn smithery.²³ During the early Lectures, several young Indian men arranged to place themselves into servitude with Englishmen, and in particular, several children were sent to live with English families.²⁴

The most important benefit Indians hoped to gain was non-material. Puritan emphasis upon the wrath and anger of God, and upon the healing powers of Jesus Christ, eternal life and salvation clearly struck a responsive chord among the epidemic-ridden Indian groups. Responding to Eliot's Puritan rhetoric, which fit squarely within the tradition of the Jeremiad, many Indians began to believe that the Englishman's God was truly angry, and was afflicting the Indians with sickness and death. Interpreting their calamities within this context, many Indians became willing to regard Christ as the physician in a literal sense. In 1659 John Speen revealed that he "heard that Christ healed all manner of diseases, therefore I believed that Christ is the son of God, able to hear and pardon all."²⁵ The testimony of Waban revealed the changing world view of Indians and significance of disease as a factor in Indian conversion.

A little while ago after the great sickness, I considered what the English do, and I had some desire to do as they do, and after that I began to work as they work; and then I thought, I shall quickly die, and I feared lest I should die before I prayed to God.²⁶

Nine out of eighteen Indians for whom doctrinal confessions exist, state that the deaths of friends and family convinced them to pray. Monequassun cited the deaths of his wife and child; John Speen had lost a brother, who was a ruler at Natick, and many of his children; and Robin Speen, a former powwow, had witnessed the deaths of his three children. Anthony had lost his brothers, while Ponampam's mother and two children had died. Wutasakompauin had outlived his children and two wives; Nishohkou had lost a wife and child; and Piambuhhou had lost his wife and children. Totherswamp had decided that if his kin died, he would pray. His was the first confession presented at the first examination.²⁷

If Indians could be taught to understand Divine Providence, the wrath and anger of God against children wandering from his path, in damnation, repentance, and eternal life, the chances were good that they would interpret their crises from this new perspective, and might embrace Puritanism as a curative measure. Indians fear of sickness and death was convenient for Puritan Jeremiads, since religion offered two interpretations of the connection between Indian maladies and the Will of God. If the sick prayed enough and were cured, a clear and positive causal relationship could be established. But if they died, their prayers were deemed inefficient because they were not sufficiently sincere, or something was amiss in the Indians' devotion.

For some individuals, the literal association of the Puritan message about other-worldly events provided a concrete incentive for conversion. The ideal example is Anthony. He had prayed for a time, and

afterward my Brothers were sick, and others also, I remembered that word, ask, and ye shall have; Then I prayed, to try if that word was true, but they died; and then I thought that was a vain word, that God hearth not our prayers, and that God is not. Therefore I thought I will cast off praying and run away.²⁸

He was later taught about everlasting life but was still not convinced to pray. He resigned himself to the fact that "whether I go or stay I shall die."²⁹ Deeply ambivalent, Anthony reconsidered praying:

I heard the Word and understood only this word, All you that hear this day, it may be you shall quickly die, and then, I quickly saw that God was very angry with me. Then God brake my head, and by that I saw God's anger ... When I was almost dead, some body bid me now beleieve ... Then I prayed unto God to restore my health ... When I was near death, I prayed unto God, Oh Lord give me life, and I will pray to God so long as I live ... after this, God gave me health, and then I thought, truly, God in Heaven is merciful.³⁰

For Anthony, devotion to Puritanism seemed to result in a direct gain. For other Indians, the process was much more complex.

A combination of factors became operative in the decisions of most Indians who removed to Natick and embraced Puritanism. The confession of Nishokou in 1659 represents an especially impressive convergence of some of the most potent forces of conversion, while simultaneously demonstrating the deeply rooted ambivalences of Praying Indians:

desired to pray to God, and would not go away, but it was because I loved our place and dwelling. I prayed, but I believed not, I considered not Eternal Life, but only this worldly life: And this went on, till they chose rulers at Natick, they chose me, and I refused, because I believed not: After that my Wife and Child died, and I was sick to death, but lived again, and being well, I thought I could not pray, I was a child, and therefore could not, I put off praying to God, my Relations died, and why should I pray? but then again I considered, why does God punish me; yea the Minister spake to me about it, and said, It may be it was because I refused to do God's work.³¹

Most individuals who settled in Natick were simply followers, and many Indians became believers only after having been in Natick for a time. Anthony is a case in point. His conversion occurred after he was injured in a carpentry accident while working on the Natick meeting house. Even those Indians most prominent in Eliot's accounts describe an extended period of skepticism preceding their acquiescence. It is likely that many Natick inhabitants never fully understood Puritanism.³² Establishing Natick and labelling it a "Praying town" enabled Eliot to portray to observers an ostentatious successful community. Yet, Eliot considered settlement an early stage in a difficult process: he assumed that if an Indian settled in Natick and accepted "civility", he could be won over to Puritanism.

Missionized Indians recognized they were confronting a powerful dilemma. In the early stages, Indians conceived of living in Natick as a distinct alternative in which new organizing principles would be reinforced by a different religious world view. Recognizing that many of their traditional values and much of their former mode of existence would be largely retained, removal seemed palatable. Religious appreciation of Puritanism came later for some, but not at all for others.

The fact remains however that Indians did convert to Puritanism. In 1669, Eliot reported that thirty or forty Indians had been accepted into church fellowship at Natick. Others were in preparation for acceptance, and one person was under censure.³³ Eight or ten Indians from Punkapoag were also preparing for public confession; those who were able, attended services at Natick.³⁴

Sufficiently satisfied with the progress of religion and education among the new Natick inhabitants, Eliot decided to elaborate more fully his methods. The missionary set up a bi-weekly "exercise of Prophecy" in which he trained potential ministers and missionaries, and he lectured on the liberal arts and logic.³⁵ A growing collection of translations completed by Eliot and printed with funds provided by the Corporation for Promoting and Propagating the Gospel among the Indians in New England facilitated the progress of education.³⁶ By the early 1670s, Natick had "issued forth, as from a seminary of virtue and piety, divers teachers that are employed in several new praying towns."³⁷

Between the years 1650 and 1674, John Eliot supervised the establishment of fourteen Praying towns. The first seven of these were established prior to 1671 in central and eastern Massachusetts. These "Old Praying towns" were offshoots of Natick in a literal and practical sense.³⁸ Geographically central, Natick also provided personnel for other towns and served as a working model. Hassanamesit was the second prominent Praying town and the only other of Eliot's settlements that attained church status.³⁹ Indians living in Praying towns without settled churches kept the Sabbath in their own towns. Those who had been accepted into church-fellowship belonged to the church at Natick or Hassanamesit.⁴⁰

Indians of the second group of Praying towns in the "Nipmuck Country" of central Massachusetts, on the western edge of English settlement, began to listen to the Gospel in 1671. Eliot and Daniel Gookin journeyed among the Nipmuck Indians in 1673 and 1674 "to confirm their souls in the Christian religion, and to settle teachers in every town, and to establish civil government among them, as in other praying towns." Eliot and Gookin brought with them five or six "godly persons, who we intended to present unto them for ministers."⁴¹ As of 1674, none of the "New Praying towns" had received land grants from the General Court.⁴² The early 1670s witnessed the flourishing of Eliot's missionary program. The rapid establishment of seven new Praying towns was made possible by the training of Natick Indians who were accepted by Nipmucks as leaders.

The rapid proliferation of Praying towns encouraged Eliot. In 1668 he could observe that "though it is still a day of small things ... Christ is among us and there are yearely aded unto the Church, and also unto the number of professing praying Indians."⁴³ In 1670 Eliot counted forty to fifty Indians in full-communion at Natick. In response to a set of questions about Indian churches, Eliot described a religious establishment that largely conformed to English Puritan standards.⁴⁴ Natick Indians, however, refused to appoint a full complement of church officers, as they desired Eliot's continued services and supervision.⁴⁵ The 1670s was the crucial decade in determining the future of Massachusetts Indians, and the entire missionary enterprise, as conceived by Eliot.

The ultimate test of Indian conviction began in 1675 with the outbreak of King Philip's War. Through the duration of the hostilities, Praying Indians were harassed from two sides. Non-Christian Indians "did very industriously endeavor to bring the Christian Indians into disaffection with the British, and to this end raised several false reports concerning them."⁴⁶ Englishmen, on the other hand,

viewed Christian Indians with unstemmable suspicion and hatred, refusing to distinguish between enemy, neutral, and ally.

Public outcry against Indians culminated in a General Court order calling for the removal of Natick Indians to Deer Island in October of 1675.⁴⁷ The provision was designed to remove the threat of Praying Indian complicity with hostile Indians, while simultaneously calming the fears of the English settlers and protecting Praying Indians. Natick Indians responded to the order with resignation. They lived on Deer Island from October 1675 until the General Court permitted Gookin and Eliot to transport them back to the mainland in May of 1676, at their own expense.⁴⁸ While on Deer Island, the approximately five hundred Indians suffered severe deprivation from adequate food and shelter. The suddenness of removal prevented them from adequately preparing for resettlement.

Daniel Gookin's sympathetic account of the experience of Praying Indians during King Philip's War concluded that confinement on Deer Island at least preserved them from the blind anger of the English colonists. He also observed that "they carried themselves patiently, humbly, piously, without murmuring or complaining against the English for their suffering ... there appeared among them practical Christianity in this time of their trials."⁴⁹

The Praying Indians of Natick had made a difficult decision to accept a new way of life in 1650. Twenty six years later, an overwhelming majority of these Indians demonstrated that their desire to stand by the new survival strategy was sincere. By 1677 many Natick Indians had resettled in their town, attempting to reorganize their pre-war patterns of existence.⁵⁰ Eliot returned to work among the Indians in the same manner as prior to King Philip's War, but his ambitions were trimmed to a much smaller scale. He had witnessed the culmination of his missionary success in 1674 dissipate within the span of three years. His fourteen Praying towns had decreased to four.⁵¹ Even though his lofty hopes for the spread of Christianity were destroyed in King Philip's War, just as the New England tribes were shattered, the indefatigable Eliot continued his labors among the Indians until his death in 1690.

The missionary-Indian encounter of seventeenth-century Massachusetts Bay was a complex exchange that can be best understood by examining the very different contexts from which the participants were acting. Puritan zealot Eliot received widespread support from Massachusetts settlers and advocates who were anxious to demonstrate the power of the "Word" as interpreted by Puritans, and to fulfill a task that they had set for themselves in 1629. Massachusetts Indians were experiencing a grave crisis in their culture, and many were, if not actively seeking a solution, at least potentially disposed toward experimenting with new forms of material and spiritual existence. An energetically presented program of alternative organizing principles appealed to some Indians who were willing to modify some of the assumptions upon which their culture was based.⁵²

Settlement in Natick was appealing because the changes the Indians expected to affect them were not perceived as absolutely destructive to their society and culture. Rather, they viewed these changes as modifications. In effect, these Indians made concessions in hope that their basic lifestyles would remain intact. The new religious beliefs were the most drastically different principles Indians were expected to grasp and adopt. Two factors especially made that transition possible. First, the two religious belief systems that were being compared were based fundamentally upon common acceptance of a spiritual system that was intimately connected with worldly events. Second, the Indian

forms of interaction appeared not to function effectively anymore. The unfavorable comparison of Indians in crisis with thriving English colonists accounted for one aspect of Indian self-doubt, while the apparent inefficient Indian powwows represented another.

The uniquely, re-shaped political system of Natick was even more easily reconciled for Indians. The fragmented nature of Eliot's form of government resembled the traditional Indian structure of sachems, sagamores, and powwows ruling in an integrated system. The people could voluntarily submit themselves to the ruler of their choice; and influential Indians for the most part retained positions of leadership.

Indian culture must be understood as a dynamic system. Within Indian society, voluntarism was accepted to some extent on every level. Settlement in Praying towns was a decision made primarily by several individual bands of Indians, and it is likely that not all members of these groups followed. Within Praying towns, individual Indians determined the nature and extent of their political and religious participation. The desire to remain part of a functioning community with familiar support systems convinced the Indians to settle in Natick, in an effort to maintain the substance of their traditional lifeways in their ancestral territory.

CHAPTER 3

FOOTNOTES

1. R. Pierce Beaver, "Methods in American Missions to the Indians in the Seventeenth and Eighteenth Centuries: Calvinist Models for Protestant Foreign Missions," *JOURNAL OF PRESBYTERIAN HISTORY*, Vol. 47, No. 2 (1960).
2. Jack P. Greene, *SETTLEMENTS TO SOCIETY, 1584-1763* (St. Louis: McGraw-Hill Book Co., 1966), p. 24. Massachusetts settlers, conceiving of natives as barbarous and uncivilized, believed that they would be readily receptive to Puritan aid. The Seal of Massachusetts depicts a native standing with a banner stating, "Come over and help us." See Nathaniel B. Shurtleff, *THE RECORDS OF THE GOVERNOR AND COMPANY OF MASSACHUSETTS BAY* (Boston: Press of William White, 1854), title page.
3. Thomas Lechford, "Plain Dealing: or Nevves from New-England," 1642, in *MASSACHUSETTS HISTORICAL SOCIETY COLLECTIONS*, 3rd Series, Vol. 3 (Cambridge: E.W. Metcalf and Company, 1833), p. 21. (MS). Recent scholarly criticism on this point include Francis Jennings, *THE INVASION OF AMERICA, COLONIALISM AND THE CANT OF CONQUEST* (Chapel Hill: University of North Carolina Press, 1975), also refer to Gary B. Nash, *RED, WHITE AND BLACK: THE PEOPLES OF EARLY AMERICA* (Englewood Cliffs, NJ: Prentice-Hall, 1974).
4. The Mayhews, father and son, were less concerned with publicizing their successes, so that their methodological approach can be less clearly analyzed. For many reasons, the activities of Mayhew and Eliot were bound to be fundamentally different. The mainland Indians, whom Eliot worked among, were rapidly becoming outnumbered by Englishmen in the seventeenth century. The Wampanoag on Martha's Vineyard remained a dominant majority and suffered much less displacement. Many of the measures Eliot deemed as absolutely essential, such as removing Christian Indians from the influence of avaricious Englishmen, were simply unnecessary on Martha's Vineyard. See James P. Ronda, "Generations of Faith: The Christian Indians of Martha's Vineyard," *WILLIAM AND MARY QUARTERLY*, 3rd Series, Vol. 38, (1981), pp. 369-94. Francis Jennings concluded that the Mayhews received less credit for their superior accomplishments (in terms of numbers of converts and duration of their faith) because "Eliot patronized the independents and attempted to gain personal credit for their work as though they were part of his organization." See Jennings, "Goals and Functions of Puritan Missions to the Indians," *ETHNOHISTORY*, Vol. 18, No. 3, (1971), pp. 197-212.
5. Edward Winslow, *THE GLORIOUS PROGRESS OF THE GOSPEL AMONGST THE INDIANS IN NEW ENGLAND* (London: For Hannah Allen, 1649), p. 10.
6. Thomas Shepard, *THE CLEAR SUNSHINE OF THE GOSPEL BREAKING FORTH UPON THE INDIANS IN NEW ENGLAND* (New York: Reprinted for Joseph Sabin, 1865), p. 5.
7. *IBID.*, p. 36.

8. IBID., p. 37.
9. Cotton Mather, *MAGNALIA CHRISTI AMERICANA: THE ECCLESIASTICAL HISTORY OF NEW ENGLAND*. (Hartford: Silas Andrus and Son, 1855), p. 573.
10. See for instance, Thomas Shepard, *CLEAR SUNSHINE*, p. 47.
11. John Eliot, *TEARS OF REPENTANCE: OF A FURTHER NARRATIVE OF THE PROGRESS OF THE GOSPEL AMONGST THE INDIANS IN NEW ENGLAND: SETTING FORTH NOT ONLY THEIR PRESENT STATE AND CONDITION, BUT SUNDRY CONFESSIONS OF SIN BY DIVERSE OF THE SAID INDIANS ...* London, Peter Cole, by the Corporation for Propagating the Gospel, 1653, p. 31.
12. John Eliot, *A FURTHER ACCOUNT OF THE PROGRESS OF THE GOSPEL AMONGST THE INDIANS IN NEW ENGLAND, AND OF THE MEANS USED EFFECTUALLY TO ADVANCE THE SAME ...* 1659, Sabin's Reprints, Quarto-Series, No. 6, (New York: Reprinted for Joseph Sabin, 1865), p. 72.
13. IBID., p. 58.
14. IBID., p. 39.
15. Waban was not a sachem, but was of royal blood, and an influential Indian. He married the eldest daughter of Tahattawan, sachem of Musketaquid (Concord). John Tahattawan, son of Tahattawan, became a ruler at the Praying Town, Nashobah. Samuel G. Drake, *BIOGRAPHY AND HISTORY OF THE INDIANS OF NORTH AMERICA, FROM ITS FIRST DISCOVERY*, 11th edition, (Boston: Benjamin B. Mussey & Company, 1841), p. 113; Frederick Webb Hodge, ed., *HANDBOOK OF AMERICAN INDIANS NORTH OF MEXICO*, Part II, Bureau of American Ethnology, Bulletin 38 (Washington, DC: Government Printing Office, 1910), p. 39.
16. He began to pray "not for love of God, or fear of God, but because I loved my brothers," in Eliot, *FURTHER ACCOUNT*, p. 10.
17. IBID. p. 27.
18. Eliot, *TEARS OF REPENTANCE*, p. 44.
19. Neal Salisbury, "Red Puritans: The 'Praying Indians' of Massachusetts Bay and John Eliot, *WILLIAM AND MARY QUARTERLY*, 3rd Series, Vol. 31, (1974), p. 51. Salisbury discusses Praying towns as a type of seventeenth century proto-reservation and describes how missionary activities were concentrated upon politically fragmented and rapidly declining groups of Indians. He explains the conversion of a sachem as "the only means of retaining authority within this shattered community" (p. 36). While this explanation is certainly accurate in some respects, it does not adequately explain why so many Indians were willing to settle in Praying towns.

20. Although references to material gain are largely absent in Indian confessions, accounts of pre-Natick Indian Lectures contain hints about the effect of gifts on Indian willingness to receive the word. For instance, Shepard writes of an old man who consistently attended the lectures. On one occasion, Eliot told the Indian he would get some clothes for him. The Indian responded, "God I see is merciful." Shepard, *CLEAR SUNSHINE*, p. 18.

21. Eliot, *TEARS OF REPENTANCE*, pp. 12-13.

22. *IBID.*, pp 37 and 40, and Eliot, *FURTHER ACCOUNT*, p. 34.

23. Anthony's master refused to train him in smithery, since then "Indians might learn to make Locks and Guns." See Eliot, *FURTHER ACCOUNT*, p. 11. It was presumably in his one year stay at Roxbury that Anthony learned his carpentry skills.

24. Desire for material possessions was probably the least important impulse for Indians who decided to embrace Christianity. Cf. Alden T. Vaughn, *NEW ENGLAND FRONTIER: PURITANS AND INDIANS, 1620-1675* (Boston: Little, Brown and Company, 1965), who contends that Narragansett Indians recognized the superiority of the Puritan's God by the late 1640s, "finding evidence in the Puritan's impressive material possessions, if not in his theological contentions" (p. 61). This interpretation assumes that Indians accepted white cultural value systems as intrinsically superior. The evidence overwhelmingly supports the conclusion that Indians firmly believed their traditional ways were superior to the white mans! Indians incorporated a selective body of material goods into their culture when certain items were perceived as beneficial or desirable. In addition, those items were not always put to the uses that were intended. For instance, copper pots were often cut apart to make ornaments or arrowheads. See T.J. Brasser, "Early Indian-European Contacts," in *HANDBOOK OF NORTH AMERICAN INDIANS, NORTHEAST*, Vol. 15, edited by Bruce G. Trigger, (Washington: Smithsonian Institution, 1978), p. 86, Nancy Oestreich Lurie, "Indian Cultural Adjustment to European Civilization," in James Morton Smith, ed., *SEVENTEENTH-CENTURY AMERICA: ESSAYS IN COLONIAL HISTORY* (Chapel Hill: University of North Carolina Press, 1959), p. 39.

25. Eliot, *FURTHER ACCOUNT*, p. 19.

26. Eliot, *FURTHER ACCOUNT*, p. 14.

27. Eliot, *TEARS OR REPENTANCE*, p. 18, and Eliot, *FURTHER ACCOUNT*, p. 18; Eliot, *TEARS OF REPENTANCE*, p. 30; *IBID.*, p. 12; Eliot, *FURTHER ACCOUNT*, p. 22; *IBID.*, p. 63; *IBID.*, p. 40; and *IBID.*, p. 68.

28. Eliot, *TEARS OF REPENTANCE*, p. 13.

29. Eliot, *FURTHER ACCOUNT*, pp. 48-49.

30. *IBID.*, p. 49.

31. Eliot, *TEARS OF REPENTANCE*, p. 43.

32. Daniel Gookin, HISTORICAL COLLECTIONS OF THE INDIANS IN NEW ENGLAND: OF THEIR SEVERAL NATIONS, NUMBERS, CUSTOMS, MANNERS, RELIGION, AND GOVERNMENT, BEFORE THE ENGLISH PLANTED THERE, Massachusetts Historical Society Collections, Ser. 1, Vol. 1, (1792), pp. 141-229. Gookin states that "I have no doubts but am fully satisfied, according to the judgement of charity, that diverse of them do fear God and are true believers, but yet I will not deny but that there may be some of them hypocrites that profess religion, and yet are not sound hearted" (p. 183). Gookin was Superintendent of Indian Affairs in Massachusetts from 1656 until his death in 1687, with the exception of three years.

33. Letter to Robert Boyle, in J.W. Ford, SOME CORRESPONDENCE BETWEEN THE GOVERNORS AND TREASURERS OF THE NEW ENGLAND COMPANY IN LONDON AND THE COMMISSIONERS OF THE UNITED COLONIES IN AMERICA, THE MISSIONARIES OF THE COMPANY, AND OTHERS BETWEEN THE YEARS 1657 AND 1712 (London: Spottiswoode & Company, 1896), p. 27.

34. IBID., p. 28.

35. IBID., to the Commissioners of the United Colonies, p. 44.

36. In the early stages financing of the missionary effort among the Indians took the form of haphazard and piecemeal collections. Beginning in 1643, a campaign was initiated to encourage Parliamentary support of missionary activities. The first "Eliot Indian Tracts" were part of this campaign. In 1649, largely through the efforts of Edward Winslow, "An Act for promoting and propagating the Gospel of Jesus Christ in New England" was passed. The Corporation was empowered to appoint overseers in New England to "receive and disburse the money sent across the Atlantic by the Society," and was given the usual rights and powers of a corporation. Collections were to be made in England and Wales. William Kellaway, THE NEW ENGLAND COMPANY, 1649-1776: MISSIONARY SOCIETY TO THE AMERICAN INDIANS (Glasgow: The University Press, 1961), pp. 15-16. A comprehensive bibliography of the works of Eliot translated into Algonquian is presented in James Constantine Pilling, BIBLIOGRAPHY OF THE ALGONQUIAN LANGUAGES, Bureau of American Ethnology Bulletin, No. 13 (Washington: Government Printing Office, 1891), pp. 127-84.

37. Gookin, HISTORICAL COLLECTIONS, p. 183.

38. IBID., p. 184.

39. IBID., p. 185.

40. IBID., pp. 181-82. For instance, eight men and women from Magunkog belonged to Natick church. See IBID., p. 189.

41. IBID.

42. IBID.

43. Letter to Baxter, in F.J. Powicke, ed., "Some Unpublished Correspondence of the Rev. Richard Baxter and the Rev. John Eliot, "The Apostle to the American Indians, 1656-1682." BULLETIN OF THE JOHN RYLANDS LIBRARY, Vol. 15, (1931), p. 167.

44. John Eliot, "An Account of Indian Churches in New-England, in a Letter written A.D. 1673," in COLLECTIONS OF THE MASSACHUSETTS HISTORICAL SOCIETY, 1st Series, Vol. 10 (Boston: Munroe, Francis and Parker, 1809).

45. IBID., p. 125.

46. Daniel Gookin, "An Historical Account of the Doings and Sufferings of the Christian Indians in New England, In the Years 1675, 1676, 1677," TRANSACTIONS AND COLLECTIONS OF THE AMERICAN ANTIQUARIAN SOCIETY, Vol. 2 (New York: Johnson Reprint Corporation, 1971), p. 462.

47. Nathaniel B. Shurtleff, RECORDS OF THE GOVERNOR AND COMPANY OF THE MASSACHUSETTS BY IN NEW ENGLAND, Vol. 5, p. 57.

48. Shurtleff, RECORDS, Vol. 5, p. 86.

49. Gookin, HISTORICAL ACCOUNT, pp. 485-86.

50. IBID., p. 520.

51. Laura E. Conkey, Ethel Boissevain, Ives Goddard, "Indians of Southern New England and Long Island: Late Period." In Trigger, HANDBOOK, Vol. 15, p. 177.

52. Among seventeenth century Virginia Indians, Nancy Lurie, "Indian Cultural Adjustment," found that "traditional habits were generally abandoned as it became ever more difficult to exist in the white man's world. Eventually the only effective economic system was that practiced by the surrounding Europeans; ... The destruction of native social and religious mores, almost a predictable consequence of the disastrous wars and scattering of tribes was virtually accomplished. A civil and religious structure which had been designed to accommodate the needs and activities of thirty tribes, almost nine thousand people, was impossibly cumbersome when the population had dwindled to one thousand people who were not in regular communication with one another and who were at any rate overwhelmingly preoccupied with the problem of sheer physical survival. The Indians in time found social and religious satisfaction in the traditions of their white neighbors; but they remained socially distinct from them" (p. 58). Although the tribal relationships and contact experiences of New England tribes, differed in specifics, the transformation Lurie described was generally similar. Cultural and social disarray made borrowing and active experimentation a logical option.

"Touching the Pen in Treaty Negotiations"

Charles J. Kappler listed the "Treaty with the Delawares in 1778" as the first Indian treaty signed with the United States in his voluminous work **INDIAN TREATIES**. Until Congress passed a law in 1871 that stopped the treaty-making process, the tribes entered into treaty agreements with the federal government that usually ceded their lands for reservations. Such negotiations continued until the last agreement with the Mountain Ute Indians in 1917. In all, 389 treaties were made between the tribes and the United States.

Negotiating treaties with Indians was a part of the policy of early federal-Indian relations as James Young explains in his following essay. By one nation negotiating with another nation in council meetings, a mutual respect of sovereignty was admitted, according to international law. During the colonial period, the United States found it advantageous to sign treaties with the tribes since the latter possessed the greater military power and were sought as allies against the French, Spanish and against tribes opposing American interests.

The next phase of treaty-making involved displacing the tribes, as exemplified during the Jacksonian period when the Indian Removal Bill was passed into law in 1830. Removal treaties called for moving the entire eastern Indian population west of the Mississippi. And, the same treaty-making was used with the plains and other western tribal groups. The majority of Indian leaders could not read or write, so American officials wrote their names for them after they "touched" the pen, which signed away their lands.

The significant point of the treaties for the Indians is that they made the United States obligated to fulfill its promises. Education was a popular provision of the agreements, annuities and the cession of Indian lands were the most common provisions. And, because the treaties between foreign nations are internationally recognized, the basis of Indian rights today are the treaties. Sovereignty is another pertinent issue. Although it is upheld through the treaties, the Chief Justice John Marshall designated the Cherokees as "dependent wards of the State" in Cherokee Nation v. Georgia (1831) which set a legal precedent for all tribal groups and their members to be federal wards with limited sovereignty.

CHAPTER 4

"COLONIAL INDIAN TREATY RELATIONS IN THE NORTHEAST: AN OVERVIEW"

James Young

A nineteenth-century historian once characterized colonial Indian treaties as ... wearisome in their formalities, generally unsatisfactory in terms of assurance, and so subject to caprice and the changes of fortunes as to need confirmation and renewal, as suspicion or alleged treachery on either side made them practically worthless.¹

Many historians have not differed much in asserting this attitude and, subsequently, have failed to analyze adequately the function of the treaty process in colonial America. Yet the treaty process is an excellent indicator of the role of Indians in helping to forge postcontact American history. That is, by understanding the colonial treaty making process, insights can be gained into fundamental behavioral differences between Indian and Euramerican peoples.

The basis in the quotation above was also observed by many settlers in colonial America for the numerous conferences did not always guarantee peace on the frontier. Indians and whites held separate world views and approached the diplomacy involved in treaty negotiations in their customary manners. This basic difference contributed significantly to misunderstandings at every level of Indian-white relations. Ethnocentrism influenced both sides' views of the frontier in northeastern America. The northeast was, in effect, a microcosm of intertangling white and Indian efforts to control their destinies. But the complexity of diplomacy also reflected the unstable relations between the Native Americans and the colonists. Further, the colonial treaty negotiations illustrate dramatically inter-cultural conflict and yet reveal how whites and (more importantly) Indians modified their political behavior. English-Indian colonial treaties will be described here, with the Iroquois treaties used as an example. Next, problem areas will be pointed out which have caused difficulty in conventional historical analyses of the colonial-Indian treaties.

To the English, it was clear that some form of legal relationship with the Indians had to be established in order to legitimate peace, alliance, land transfer and survival. The English presumed automatically that the Indians were living on lands belonging to the Crown. Fearing the risk of war, colonial officials charted a prudent course of making treaties of friendship and submission with those natives who lived in nearby areas. The English placed considerable faith in land cessions, in particular, for these agreements had a finality about them needed to assuage their fears of conflicting land ownership. The decision to maintain peace with the Indians, made entering into treaty relations with the various Indian groups a patience-trying experience. While the English had a long established procedure in diplomacy gained from the domination of European and African tribal groups, in Northeastern America they initially were at a disadvantage. One would suspect that in the early council negotiations that the Indians treated the English colonists imperiously. Possibly the colonists had to follow rules to which the Indians themselves did not conform, and may have appeared to not act in good faith, although this is not evidenced in the colonial archives and published records (and for good reason for the colonists did not wish to appear to be dominated by the Indians). In any case, the English

preferred a narrowly legalistic approach to the treaty process but initially were thwarted in subjecting the Indians to this diplomacy.

In the Indian mind, the treaty negotiations forced them to define clearly their relationship to the land and to the Europeans. This definition had to be accomplished much more precisely than had been done earlier in Indian-Indian agreements. Consequently, the treaties represented written instruments of peace, and land cession and diplomacy was an innovation to them. But the diplomatic procedure in the treaty process did not pose a problem as much for the Indians as the whites. In the Indian experience, forest diplomacy reflected ritual and ceremony, and was not separated from the Indians' social consciousness. They retained a long historical memory of the treaty process to draw on. During the summers particularly it was not uncommon for sachems to "come together and consent among themselves about peace and war, treaties of friendship and treaties for the common good."² Other than wampum and other mnemonic devices, the innumerable councils and agreements were not preserved in any form other than in tribal memory. But this retention was impressive enough for the colonists to comment that

Though they cannot write, yet they retain every thing said in their Councils with all the Nations they treat with, and preserve it as carefully in their Memories as if it was committed in our Method to Writing.³

Further impressing the treaty process in the Indian mind was the ceremonial use of wampum. Wampum certified the authenticity of delegations from distant bands and marked the importance of statements made in council. In 1680, for example, Chrestien Le Clerq saw Micmac "ambassadors with collars of wampum" sent to invite their allies "to take up the hatchet against another nation."⁴

The Northeastern Indians thus had a long history of diplomacy and political alliances in Indian-Indian relations. But they did not understand the intricacies of English law. The English possessed a rigid belief in legal authority and the function of treaties was to create a legal agreement impervious to compromise. To the Indians, however, the friendship and climate created during the negotiations served as a surrogate for a diplomatic document. On the frontier, where the English and Indians met face to face, this oratory was more important than a written instrument. But the English sought to legalize Indian compromise by seeking to transform from the treaty into tribal political acquiescence. That the Indians were unaware of such implications is reflected in their continued assertion of sovereignty and, when forced, the English had to acknowledge that independence.

The early Indian-white treaties began in the combined atmosphere of Indian independence and English legal assertions. Indian possession of the land, brought the tribes into contact with English law. Colonists assumed that sovereignty resided with the King and the various charters and companies. Indians could not or would not understand this logic and initially outnumbered the colonists. In face of this fact, the English still considered it essential to convince the natives that they had never really owned the lands and were subservient to the Crown.

Relations with the Indians at Plymouth Colony followed much the same pattern as those in the Middle Colonies. Initial friendliness gradually succeeded by mutual mistrust characterizes this process. The Pilgrims appear to have been somewhat more sophisticated in their diplomatic efforts, however.

Pilgrim efforts to control neighboring Indians or subordinate them to a godly-ordered political authority gave rise to an alliance with the Pockanocket

sachem, Massasoit. The Pilgrims hoped to guarantee their own dominance in New England and also hoped that Massasoit would subject his (supposed) followers to English justice. This treaty alliance in 1622 and friendship with the Wampanoags was one of the first colonial attempts to give their idea of alliance its enduring meaning as subordination to a dominant authority. Massasoit was made to agree further that "he should send to his neighbor confederates, to certifie them of his alliance, that they should not wrong us, but might be likewise contained in the conditions of peace."⁵

The Wampanoags by this period were considered a subservient people. Other tribes of the northeast were not as easily subdued, however. These Indians, especially the Iroquois, oftentimes dictated the terms and forms the treaty process was to take. The evolution of that process deserves considerable mention.

From the viewpoint of colonial treaty representatives, the opening treaty ceremonies were merely a picturesque preliminary favored by Indian custom. To the Iroquois, the atmosphere of alliance and friendship was expressed through the opening activities. Whatever specific provisions might be put into the treaty, they could hardly be inconsistent with the spirit in which the Indians and the Crown representatives had come together on the solemn occasion. To the whites, the creation of trust and friendship preceded the negotiations of specific terms. They set whatever articles might be discussed. To the Iroquois representatives, the general context of care and concern for the welfare of their Indian peoples was paramount. Only after an atmosphere of friendship and alliance was established did the business of the treaty council come into play.

The Iroquois treaties are useful particularly in showing the introduction of Indian ritual into the traditional European diplomatic language. The Iroquois incorporated into the treaties the language and ceremonial symbolism of condolence accompanied with negotiation. Colonial historians have sensed that the northeast treaty protocol was derived from the Iroquois condolence-with-negotiation, but few have bothered to describe this process. Yet, the overall pattern of the process is one consistent theme in the Iroquois treaties and evolves under the circumstances of historical change.

While the Iroquois and English could discuss and decide that a treaty council was necessary, the site of the conference was not open to discussion. The spirit of the place was as important to the traditional Indians as the alliance itself. "We know of no Council Fires," replied the Iroquois, declining an invitation from Governor Francis Bernard of New Jersey to hold the council elsewhere than the traditionally designated places, "but the old Council Fire at Philadelphia, and the Great Council fire in Albany."⁶

The time of the councils was also a matter of importance. Iroquois councils often were held in the afternoon and evening. Ambassadors arriving late in the evening, however, were told to hold their business until the following day. The summer was the best time for politics and diplomacy, although if the situation warranted, conferences were held in late fall and winter. But, most treaty councils were held in the summer months for the conferences usually lasted a week or so. Important councils lasted longer.

Immediately prior to the council, the Iroquois discussed everything which could possibly happen during the proceedings. Wampum strings and belts were divided into as many parts as items of discussion to be spoken and for division during the condolence ceremony. There also appears to have been an established procedure by which the Iroquois speaker would represent the Six Nations. The

Mohawk sachem Hendrick related to Sir William Johnson and others on June 23, 1755, that

The Mohawks, the Onondagas, and the Senecas, being the Elder Brothers of the Confederacy, the Speaker at all public times, was chosen from one or other of these nations, nor was any reference given to either of the three, from whichever of them a speaker was chosen, there was no fear but everything would be regularly conducted.⁷

In fact, the Iroquois speaker often stressed that he was a group spokesman:

I speak in the name of the 4 Iroquois Nations, Onondagas, Senecas, Cayugas, and Oneidas, the late Count Frontenac having staed that we could transact business independent of the Mohawks.⁸

I am appointed to speak in behalf of the Six ... Nations present.⁹

In reality, however, each Iroquois tribe often negotiated a position representing its own self interest. Approaching the treaty council grounds, the Iroquois usually followed a certain formality. During the 1744 Lancaster treaty proceedings, the Iroquois delegation marched in "with Cannasateego, one of the Onondaga chiefs, at their head; who, when he came near to the court-house ... sung, in the Indian language, a song, inviting us to a renewal of all treaties heretofore made, and that now to be made."¹⁰

Usually the treaty proceedings did not begin immediately. After being wined and dined, the Indians were allowed to rest for a day or so. Once the council began, however, the ceremonies were quite formal and followed the Indian formulae. Condolences had to be given to both parties for losses. The Mohawks related to the Mayor of Albany, on February 25, 1689, that

We are taught by our Fore-fathers, when any sad Accident or Disaster doth befall any of the Covenant, to go with all convenient speed to Bemoan their Death.¹¹

With the condolence ceremony finished, the treaty proceedings got underway. But it was Iroquois decorum that the party who had called the conference should lead off with a statement of its purpose and begin the discussion. Conrad Weiser in 1743 described this portion of Iroquois treaty councils that was followed more-or-less in proceedings with the colonists:

About noon, the Council then met ... and declared themselves compleat, and a deal of Ceremonies Passed; first the Onodagoes rehearsed the beginning of the Union of the Five Nations, Praised their Grandfathers' Wisdom in establishing the Union or Alliance, by which they became a formidable Body, they (now living) were but fools to their fathers' Spirit; and then the discourse was directed to the Deputies of the several Nations, and to the Messengers from Onas (Governor of Pennsylvania) and Assaryguoa (Governor of Virginia), then to the Nanticokes, to welcome them all to the Council fire which was now kindled. A String of Wampum was given by Tocanontie ("The Black Prince of Onondaga") in behalf of the Onondagoes, to wipe off the sweat from their !Deputies and Messengers'! Bodies, and God, who had protected them all against the Evil Spirits in the words,

who were always doing mischief to people travelling to Onondago, was praised. All this was done by way of a Song, the Speaker walking up & down in the House. After this the Deputies & Messengers held a Conference by themselves, and appointed Aquoyiota to return thanks for their kind reception, with another String of Wampum. Aquoyiota repeated all that was said in a Singing way, walking up and down in the House, added more in Praise of their wise fathers and of the happy union, repeated all the Names of those Ancient chiefs that established it; they no Doubt, said he, are now Gods and dwell in heaven; then Proclamation was made that the Council was now Opened, and Assaryquoa was to speak next morning in the same House, and due Attendance should be given. All those Indian Ceremonies took up that afternoon.¹²

With the opening statements over, the discussion and debate on treaty related items began in serious and somber tones. In 1744 at Lancaster, Pennsylvania colony, the debate that followed the Maryland treaty commissioners' opening speech affords one of the best examples of the literature of colonial Indian treaties. Maryland and Virginia supported the view that the Six Nations possessed no claim to lands with the colony's borders but offered to make just compensation for proven claims. Canassatego, the Iroquois spokesman, related forcefully and definitely that the hundred year claim of the province of Maryland mattered little in comparison to the Six Nation's assertion of land possession since time immemorial.¹³

Cannassatego's statement that the English had come from across the Sea and the Iroquois had sprung from out of the ground reflected an issue that was of grave concern to the Iroquois. This comparison was repeated many times in other treaty councils. Cannassatego's use of the metaphorical Covenant Chain was not new, however.¹⁴ Yet the idea of the Covenant Chain became such a rhetorical device in most colonial Indian treaties that, along with statements of the "Fire" and "Road", they made the treaty proceedings elaborately ceremonial and ritualistic. In July, 1762, for example, an Iroquois spokesman could relate that "a New Road was made and clear'd; a new Fire kindled; and the chain of Friendship stronger, so as to last while the Sun and Moon endures."¹⁵

Generally after certain proposals were presented, the council adjourned to give time for conference and agreement on a vote by both sides. Usually a day passed between the advancement of certain propositions and response to them.

After the treaty business ended, the conference concluded with a song and a feast: "After all was over, according to the Ancient Custom of that fire, a Song of friendship and Joy was sung by the Chiefs, after this the Council fire on their side was put out."¹⁶ In a June, 1641 treaty council, the chief Iroquois spokesman, Onagan, signified the end of the proceedings and the resulting agreement of peace and friendship by grasping the hands of the treaty representatives rubbing them against his face.¹⁷ Another Iroquois orator ended the conference with these words:

I see very well that he who is in the sky wishes to bring to a conclusion a very important matter. The minds and thoughts of men are too diverse to fall into accord; it is the sky that will combine us all.¹⁸

The Iroquois treaties with the English are the most published and widely read of all Colonial Indian treaties. The reasons for British-Iroquois alliances are obvious from a reading of the treaty minutes--non-aggression pacts, mutual

aid in warfare, trade and land cessions. These face to face encounters in diplomacy oftentimes were important enough to determine the course of global events. It may even be said that Colonial Indian policies did not originate either in England or France, or even in Colonial American society, but in Indian responses to Euramerican assertions of sovereign authority.

We are often presented in the secondary literature the idea that the Colonial treaties were the creation of the Crown. This view is not supported by the Colonial evidence. A good case can be made that the Indians, and not the Colonial representatives, were the initiators of most important treaty terms. In point of fact, in whatever way they understood them, the Indians themselves were anxious to make treaties. The treaties in effect laid the foundation of Indian alliances and behavior inherent in Indian policy. And generally, the treaties were almost the only instrument and expression of that policy. By cementing alliances with the British, for example, the Iroquois assuaged their fears about survival. But the basis for this Indian concern has gone unnoticed. Its explanation may lie partially in mythology.

The myths and ritual forms of the Iroquois in the eighteenth and seventeenth centuries reflect the fact that real and immediate concerns permeated their worldview.¹⁹ Contacts and alliances had to be initiated and renewed continually lest the Iroquois conceptual balance of natural and supernatural forces be threatened. Interaction with each other and with other tribes (and later with Colonists) was stressed as the proper way to maintain this balance. In effect, Iroquois social relationships revolved around their mythology and symbolism contained therein. Law-created forms of social and political expression had their basis in myth and this folklore strongly informed their culture and worldview.

The origin of the condolence and negotiation business was rooted in Iroquoian mythological and symbolic laws--in the Dekanawidah myth and the founding of the Great League. In the Dekanawidah mythology, Dekanawidah's basic mission was to persuade the Iroquois to combine into a confederacy. He persuaded Hiawatha to bring sachems from all the tribes together at Onondaga and to initiate the Great Council machinery. A tree of the Great Peace was set for the Iroquois tribes to hold councils under. This idea of establishing peace among themselves was created through Dekanawidah issuing a series of rules, laws and customs to eliminate hostility in favor of preserving harmony in life. The Great Council fire was to be extended as well to other tribes if the peace and tranquility of the Great League were to last. Treaties of friendship and alliance were offered. Those not wishing to participate in the council fire were to be persuaded by reason to receive the Great Law of Peace, and if recalcitrant, offers were extended again and again. If after a period of time the tribes still rejected Iroquois advances, the "Great Building Law" provided for war against Indian tribes until they accepted the Great Peace and were adopted into the Confederacy, or were destroyed. Thus, by 1700 the Iroquois had dispersed or annihilated the Huron, Neutral, Petun, Potawatomi, Ottawa, Chippewa and Susquehanna.

The Great Peace counteracted the idea that Iroquois life was threatened by natural and supernatural forces: hostile yet benevolent. To seek a balance between these forces, Iroquois mythology provided the reason to bring all men under the authority of their council fires. Political considerations were based, therefore, on mythological foundations. Alliances and the instruments of those alliances--treaties--followed in natural order the commands espoused in folklore. The entire Iroquois treaty complex can be regarded as following sanctioned laws

established by Dekanawidah and others. To augment this doctrine, Hiawatha invented wampum in order to have a permanent record of the peace pacts he made among the Iroquois and other tribes.

Iroquois mythology thus provided the basis for politics and diplomacy: councils held with neighboring tribes, renewal of these friendships and maintaining alliances and treaties with Colonists. We can see Iroquois rationale behind overt expression of diplomacy and willingness to enter into solemn compact with Indians and whites. By initiating alliances and constantly renewing them, the Iroquois sought to gain some measure of control over their harmonious universe. It is Iroquois mythology behind the fact that in the seventeenth and eighteenth centuries they frequently cautioned Europeans to renew their alliances. The Iroquois met often among themselves to strengthen their ties to each other, to the natural world, and to their mythological rites. By extension, the individual English Colonies and their representatives lay within the Iroquois universe and that relationship obligated the Iroquois to reaffirm their concept of alliance with their white neighbors. This constant need to renew contacts provides the background for Iroquois political behavior and their initiative in forest diplomacy. The form that diplomacy would take was controlled by mythological ritual and even evolved under during the course of historical change. But the basic function of Iroquois diplomatic activities remained unchanged, and continued throughout the Colonial period.

The Iroquois treaties, the protocol involved in them, and Iroquois success in trade and warfare, certainly influenced other northeastern tribes to emulate them. But while the Iroquois treaties are the most popular of colonial Indian treaties, they are not representative of all treaties made. Historians would have us believe, however, that they are the only ones worth investigating in depth. The idea is that the Iroquois furthered the introduction and diffusion of colonial treaty protocol into distant located Indian groups. Increased diplomatic activity resulting from the Iroquois wars is supposedly the catalyst that affected the diffusion. Iroquois ambassadors were sent out to Albany, Quebec, Boston and other places with belts of wampum and messages to reconcile past misunderstandings. Diplomacy involved the use of certain formulae and those Indian tribes, who were ignorant, were taught those formulae. The enlightened Indians returned home bearing the belts and strings as tokens of good will or records of transactions and knowledge of an effective procedure for carrying on political activities.

Further evidence of the Iroquois' influence came from colonists, who held treaty conferences with the Iroquois. They frequently commented that the proceedings were conducted in about the same manner as the Iroquois conducted their councils at Onondaga, and they became expert in the practice of them. Other factors for the importance of the Iroquois treaties reflects the idea that the Six Nations usually determined the balance of power between the English and French and could negotiate for all neighboring tribes²⁰ or that they considered many other Indians as women and only men could negotiate treaties.²¹

But to generalize that Iroquois initiative formed the diplomatic protocol of all northeastern Colonial treaty negotiations in that locale is to misunderstand the diversity of northeastern Indian cultures. It is uncertain, if the Maine tribes were directly or continually influenced by Iroquoian concepts of the treaty process. Certainly the Abenaki tribes had parallels with the Iroquois in maintaining a treaty process, but the precise relationship had yet to be revealed. It appears, however, that the Penobscots, owing to their proximity to the western frontier, seem to have been the primary negotiators between the eastern

Abenaki groups and the Iroquois.²² With the addition of certain rituals borrowed from the Iroquois, the Abenaki certainly appear to have become increasingly effective in controlling and maintaining a larger political constituency. Thus the consequences of this ritual borrowing on the Abenaki political structure may have been profound.²³

In any case, it does appear that the Abenaki treaties are singularly different from those of the Iroquois. While the Iroquois entered into the treaty process in an impressive ceremonial manner, the Abenaki treaty proceedings are often devoid of Indian ritual. Treaty conference etiquette is sparse and matter of fact. A business atmosphere pervades the minutes of the Abenaki treaty councils. Usually, a delegate or spokesman from a tribe attended the conference to do the preliminary work and work out an agreement for the Indian side. But the actual signing of a treaty document was done by the chief sagamore. If an elaborate oratory was offered, the chief sagamore or second sagamore made it. After the ceremonial departure of the chief sagamore, however, the delegate often signed for the tribe.²⁴ Later, several business matters did take place after treaty conferences. In the Abenaki treaty of July, 1727, for example, the English representative remarked that "it will take you up a great Deal of Time to Sign, and the Witnesses that must Sign also; and when that is done, we will Consider of the more minute Affairs, and the remaining Part of the Day I'll spend in Diversion with you."²⁵

But at different times and different places the colonial Indian treaty process was dissimilar entirely. The whole area of the colonial Indian treaty process needs further examination on a colony-by-colony basis and may in the last instance reflect significant tribal differences.

Finally, in attempting to understand the terms of a specific colonial treaty and the treaty process itself, both the treaty document and accompanying discussion must be examined. In many cases, no actual treaties were signed but the proceedings of the conferences were taken to be the substance of solemn and binding agreements.²⁶ It was understood that verbal assurances and statements by treaty commissioners were accepted by the Indians as part of the treaty agreement. Indian leaders trusted that they would receive the same honest and sincerity from the colonial treaty representatives that they themselves offered.

This brings out the most important item in attempting to understand the colonial Indian treaties of the Northeast: The special spiritual meanings attached to the treaty process and the treaty itself by the Indians. Historians have to try to analyze the spirit of the treaties by studying carefully the treaty text and various interpretations by the respective parties. In particular, historians must concentrate on the Indian interpretations of the treaties. The one definite conclusion which will be advanced here is a denial that a common understanding has been reached on fundamental issues involved in the colonial Indian treaty process. More tenuous are the attempts to specify in what ways the interpretations of the Indians and white diverged. What should be examined is the existence of divergent views between the representatives of the colonial powers and the various Indian tribes, and to try to describe and analyze these views. Unfortunately we are dependent on inadequate colonial evidence for much of the Indian viewpoint. It does appear that the colonists and the Indians entered into the treaty process from different mind sets and there was little attempt on either side to understand the other's views or to convey it to their own people. Under these circumstances, it is hardly surprising that Indian interpretations of the colonial treaties do not conform to those of the colonists.

In the final analysis, the experience of Colonial Indian treaty relations in northeastern America illustrates support of its contemporary political significance in helping to shape postcontact history. The Indian-white treaty process was a creative form of survival, a voluntary form of interaction, and a daring attempt by two cultures to gain a handle on their own destiny. That this process is still poorly understood reflects the current scholarship on the general subject of the history of Indian-white relations.

CHAPTER 4
NOTES

1. George E. Ellis, "The Red Indians of North America in Contact with the French and English," in **NARRATIVE AND CRITICAL HISTORY OF AMERICA**, edited by Justin Winsor, 8 vols. (New York: Houghton, Mifflin and Co., 1889), Vol. 1, p. 304.
2. Reuben G. Thwaites, ed., **THE JESUIT RELATIONS AND ALLIED DOCUMENTS**, ed. 73 vols. (New York: Pageant Book Co., 1959), Vol. 3, p. 89.
3. **THE PARTICULARS OF AN INDIAN TREATY AT CONESTOGOE, BETWEEN HIS EXCELLENCY SIR WILLIAM KEITH, BART. GOVERNOR OF PENNSYLVANIA, AND THE DEPUTIES OF THE FIVE NATIONS** (Philadelphia: Printed by Andrew Bradford, 1721), p. 4.
4. Chrestien Le Clecq, **NEW RELATIONS OF GASPESIA**, ed. W. F. Ganong, Champlain Society Publications, Vol. 5 (Toronto: The Champlain Society, 1910), p. 269.
5. "Relation or Journal of the Beginning and Proceedings of the English Plantations Settled at Plimouth in New England, 1622," **MASSACHUSETTS HISTORICAL SOCIETY COLLECTIONS**, 1st ser., Vol. 9, pp. 30-31.
6. Minutes of Conferences, held at Easton in October, 1758 with the Chief Sachems and Warriors of the Mohawks, Oneidas, Onondagoes, Cayugas, Cayugas, Sencas, Tuscaroras, Tuteloos, Skaniadanadigronos, Consisting of the Nanticokes and Conoys, who now make one nation; Chugnuts, Delawares, Unamies, Mahickanders, or Mohickons; Minisinks and Wapingers or Pumponts. (Philadelphia: Printed and sold by B. Franklin and D. Hall, at the New-Printing Office, near the Market, 1758, p. 5 and The minutes of a Treaty Held at Easton, in Pennsylvania, in October, 1758. By the Lieutenant Governor of Pennsylvania, and the Governor of New-Jersey; with the Chief Sachems and Warriors of the Mohawks, Nanticokes, and Conoys, Oneidas, Chugnuts, Onodagas, Delawares, Cayugas, Unamies, Senecas, Mohickons, Tuscaroras, Minisinks, and Tuteloos, Wapingers (Woodbridge in New-Jersey: Printed and sold by James Parker, Printer to the Government of New-Jersey, 1758, p. 5. The Iroquois did agree later to meet at other places, such as Lancaster and Fort William Johnson.
7. Edmund B. O'Callaghan and Berthold Fernow, eds., **DOCUMENTS RELATIVE TO THE COLONIAL HISTORY OF THE STATE OF NEW YORK** (Albany: Weed, Parsons and Co., 1856-1857), Vol. 6, p. 966 (cited hereinafter as **NEW YORK COLONIAL DOCUMENTS**).
8. Onondaga speaker to Governor de Callieres, Montreal, July 18, 1698, **NEW YORK COLONIAL DOCUMENTS**, Vol. 9, p. 709.
9. Oneida speaker to Sir William Johnson, Fort William Johnson, New York, April 16, 1759, **NEW YORK COLONIAL DOCUMENTS**, Vol. 8, p. 381.

10. Witham Marshe, *Journal of the Treaty ... at Lancaster in Pennsylvania, June, 1744*, LANCASTER IN 1744: JOURNAL OF THE TREATY AT LANCASTER IN 1744 WITH THE SIX NATIONS (Lancaster, PA: The New Era Steam Book and Job Print, 1884). p. 11.

11. PROPOSITIONS MADE BY THE SACHEMS OF THE THREE MAQUAS CASTLES, TO THE MAYOR, ALDERMEN, AND COMMONALTY OF THE CITY OF ALBANY, AND MILITARY OFFICERS, OF THE CITY AND COUNTRY IN THE CITY HALL, FEBRUARY 25TH 1689/1690 (Boston: Samuel Green, 1690), p. 2.

12. "Conrad Weiser's Report of His Journey to Onondago on the Affairs of Virginia, in Obedience to the Orders of the Governor in Council, 13 June 1743, Delivered to the Governor the 1st September," Minutes of the Provincial Council OF PENNSYLVANIA, ed., Samuel Hazard, 16 vols. (Philadelphia: 1838-1853), Vol. 4, p. 663.

13. A TREATY, HELD AT THE TOWN OF LANCASTER, IN PENNSYLVANIA, BY THE HONOURABLE THE LIEUTENANT-GOVERNOR OF THE PROVINCE, AND THE HONOURABLE THE COMMISSIONERS FOR THE PROVINCES OF VIRGINIA AND MARYLAND, WITH THE INDIANS OF THE SIX NATIONS, IN JUNE, 1744 (Philadelphia: Benjamin Franklin, 1744), pp. 11-13; Treaty Minutes, June 26, 1744, MINUTES OF THE PROVINCIAL COUNCIL OF PENNSYLVANIA, Vol. 4, pp. 706-708; and The Treaty Held with the Indians of the Six Nations, at Lancaster, in Pennsylvania, in June, 1744. To Which is Prefixed, an Account of the First Confederacy of the Six Nations, their Present Tributaries, Dependents, and Allies, and of their Religion, and Form of Government (Williamsburg: Printed by William Parks, 1744, pp. 17-21.

14. Compare an earlier and briefer statement on the Covenant Chain, as expressed by an Onondaga spokesman at the treaty council of July 20, 1698, in Albany. PROPOSITIONS MADE BY THE FIVE NATIONS OF INDIANS, VIZ. THE MOHAQUES, ONEYDES, ONNONDAGES, CAYONGES & SINNEKES, TO HIS EXCELLENCY RICHARD EARL OF BELLOMONT, CAPT. GENERAL AND GOVERNOUR IN CHIEF OF HIS MAJESTIES PROVINCE OF NEW-YORK, &C. IN ALBANY, THE 20TH OF JULY, ANNO. DOM. 1698 (City of New-York: William Bradford, 1698), p. 4. The authoritative and interpretative synthesis of the idea of the Covenant Chain is Francis Jennings' THE AMBIGUOUS EMPIRE: THE COVENANT CHAIN CONFEDERATION OF INDIN TRIBES WITH ENGLISH COLONIES FROM ITS BEGINNINGS TOTHE LANCASTER TREATY OF 1744 (New York: W. W. Norton and Company, 1984.

15. "The Treaty Held with the Indians of the Six Nations, at Philadelphia, in July 1762," in Cadwallader Colden, THE HISTORY OF THE FIVE INDIAN NATIONS OF CANADA, 2 vols. (New York: T. H. Morrell, 1866), Vol. 2, p. 81.

16. "Conrad Weiser's Report," p. 668.

17. John G. Shea, ed., CHARLEVOIX'S HISTORY AND GENERAL DESCRIPTION OF NEW FRANCE, 6 vols. (New York: 1866-1872), Vol. 2, p. 124.

18. THE JESUIT RELATIONS, Vol. 26, p. 249.

19. A good discussion of Iroquois Colonial treaty oratory is in Wynn R. Reynolds, "Persuasive Speaking of the Iroquois Indians at Treaty Councils, 1678-1776: A Study of Techniques as Evidenced in the Official Transcription of the Interpreters' Translations," Ph.D. dissertation, Columbia University, 1959) and Michael K. Foster, *THE RECOVERY AND TRANSLATION OF NATIVE SPEECHES TO ACCOMPANY ANCIENT IROQUOIS - White Treaties*, Canadian Studies Report 5e-f (Ottawa: National Museum of Man, Ethnology Division, 1978).

20. A TREATY HELD AT THE TOWN OF LANCASTER, p. 38.

21. See A MESSAGE FROM HIS EXCELLENCY FRANCIS BERNARD, ESQ; CAPTAIN GENERAL GOVERNOR AND COMMANDER IN CHIEF OF NEW-JERSEY, &C. TO THE MINISINK INDIANS. AND A CONFERENCE THEREOF, HELD AT BURLINGTON, AUGUST THE 7TH AND 8TH, 1758), p. 4, for reference that the Munsee were "women." The most famous allusion to "women" was, of course, the Iroquois reference to the Delaware:

How come you to take upon you to Sell Land at all? We
conquer'd You, we made Women of you, you know you are
Women, and can no more sell Land than Women. Canassatego,
Onondaga speaker to Delaware delegation, Philadelphia,
July 12, 1742, MINUTES OF THE PROVINCIAL COUNCIL OF
PENNSYLVANIA, Vol. 4, p. 579 and

See also Frank G. Speck, "The Delaware Indian as Women; Were the Original Pennsylvanians Politically Emasculated?" *PENNSYLVANIA MAGAZINE OF HISTORY AND BIOGRAPHY*, Vol. 70 (October, 1946), pp. 377-89.

22. For this historical relationship, see Frank G. Speck, "Eastern Algonkian Wabanaki Confederacy," *AMERICAN ANTHROPOLOGIST*, n. s., Vol. 17 (1915), pp. 499-500.

23. According to Speck,

The effect [of this relationship with the Iroquois] appears clearly in the wampum procedures, the condolence, and the selection of chiefs, the sending of delegates, and functions in general which characterized the internal operations of the Wabanaki Confederacy, the whole fabric of which was manifestly modeled after the pattern of the Iroquois League. Speck, "Eastern Algonkian Wabanaki Confederacy," p. 494; It is not certain also exactly when the Abenaki were exposed to the rites of condolence, although by 1756 the French reported that: "this morning [October 7th] they dried the tears of the Abenakis, a belt of two thousand beads, two strings of wampum, several drinks of brandy, and a 'ouapon' covered the dead man, loosened the throat, swept away the clouds that obscured the view, freed the tongue, and made it possible to have ideas and plans" (Bougainville, *ADVENTURE IN THE WILDERNESS* (1964), p. 50.

24. For an excellent analysis of Abenaki diplomacy during the Colonial period see Kenneth M. Morrison, *THE EMBATTLED NORTHEAST* (Los Angeles: University of California Press, 1984).

25. "The Conference with the Eastern Indians at the Further Ratification of the Peace Held at Falmouth in Casco-Bay, in July 1727," (Boston: Printed by B. Green and S. Kneeland, 1727), MAINE HISTORICAL SOCIETY COLLECTIONS, Vol. 3, p. 426.

26. See, for example, the Easton Conference of 1758. MINUTES OF CONFERENCES HELD AT EASTON, IN OCTOBER, 1758, WITH THE CHIEF SACHEMS AND WARRIORS OF THE MOHAWKS, ONEIDAS, ONONDAGES, CAYUGAS, SENECA, TUSCARORAS, TUTELOS, SKANIADANADIGRONOS, CONSISTING OF THE NANTICOKES, AND CONOYS, WHO NOW MAKE ONE NATION, CHUGNUTS, DELAWARES, UNAMIES, MAHICKANDERS, OR MOHICKONS, MINISINKS, AND WAPINGERS, OR PUMPTON (Philadelphia: Benjamin Franklin and D. Hall, 1758).

"Civilizing and Assimilating the Native American"

The continuous aim of American assistance to Indians has been to change them--a transmutation of red man into white man. In the view of white Americans, the Indian was either a noble savage or primitive savage, but he was also commonly viewed as uncivilized, according to Anglo-American standards. Little credit was given to the advanced lifeways of the tribes from any region of the country.

During the earliest contact between the British colonies and tribes along the Atlantic coast, popular thought among the colonists entertained the issue of civilizing the Indian savages through education, farming, and Christianity. As white settlers made their ways into the backcountry of the Southeast and New England area, they brought with them items of Euramerican culture, political, and religious beliefs, and new values that constituted a society radically different from Native American life.

Believing that their culture was superior, and as the tribes were defeated, Americans proclaimed that they were right. Teaching the Indians to farm in an individual manner like the white yeoman farmer is demonstrated in R. David Edmunds' following essay. The fruitful results would be that Indians would then be on the road to civilization, but early settlers failed to credit sedentary Native Americans like those in the Ohio Country, Southeast, and New England area for their cultivated fields that supplemented their hunting.

Agrarian communal working of the soil that amounted to a type of horticulture among the Indians, harvested successfully corn crops that eastern tribes celebrated in their dances. In the Southwest, corn, beans, and squash were grown among the Pueblos who prayed to their deities of gods to send rain. Wild rice was cultivated among the Indians of the Lower Great Lakes as one of their main foods. In summary, Americans did not introduce Native Americans to farming the land, but more correctly, they taught them new agricultural techniques.

CHAPTER 5

WALKING THE CORN ROAD: SHAWNEES AND QUAKERS IN THE OHIO COUNTRY, 1807-1808

R. David Edmunds

The two decades following the Treaty of Greenville were uncertain times for the Indian peoples of the Old Northwest. Forced to cede their lands in central and eastern Ohio, Shawnee, Delaware, and Wyandot tribesmen crowded into the northwestern sector of the state and spilled over into adjacent regions of Indiana. Embittered by their recent defeats, part of the Shawnees still clung to the ways of their fathers, eking out an existence amidst the diminishing deer herds and declining number of fur bearing animals. Other Shawnees, convinced that the old ways were gone, sought an accommodation with the onrushing Americans. Led by Black Hoof, an aging chief from a village on the headwaters of the Auglaize River, these Shawnees asked Indian agents for assistance in learning the white man's agricultural methods.

The Shawnee request struck a responsive chord among federal officials in Washington. Since the colonial period both European and American missionaries had urged such a course upon the tribesmen, and the passage of the first Indian Intercourse Acts in the 1790s gave official credence to these policies. Moreover, during President Thomas Jefferson's first term, the government urged the Indians to abandon hunting and to support themselves through farming, animal husbandry and "domestic manufacture." Federal efforts to "civilize" the tribesmen were channeled through government Indian agents and through several religious or missionary organizations active among the tribes. In Ohio and Indiana, the Quakers, Moravians, and Presbyterians all received the government's blessing, and each of these denominations sent missionaries westward.¹

At first the Shawnees were ignored. Although Black Hoof journeyed to Washington in 1802 and asked Jefferson for "assistance in getting all necessary Farming tools and those for building houses that we may go to work as soon as possible," both the government and the missionary organizations focused their attention on other tribes. Jefferson sent a few farm implements to the Shawnees, but the government failed to establish an agency in their immediate vicinity. Meanwhile, the Moravians continued their long-standing efforts among the Delawares; the Presbyterians organized a mission among the Wyandots, and the Quakers concentrated their endeavors among the Miamis and Potawatomis in northeastern Indiana.²

The Quaker initiatives met with mixed results. In 1804 Quaker Phillip Dennis established a "model farm" on the Wabash River, about thirty-five miles southwest of Fort Wayne. Although Dennis cleared several acres, and eventually harvested his crops, he received little support from the Indians. Late in the fall of 1804 he delivered his harvest to Indian leaders and returned to Baltimore. Two years later William and Mahlon Kirk, also Baltimore Quakers, journeyed among the Indians near Fort Wayne, then returned to the East where William Kirk persuaded Quaker leaders to petition the government for assistance in establishing a new mission. In response, federal officials appointed Kirk an "agent of civilization" and appropriated 6,000 dollars to facilitate a program of agriculture and the domestic arts. Impressed with his new title, during the late

spring of 1807 Kirk again led a small group of Quaker missionaries back to Fort Wayne. There, he believed, he soon would transform the neighboring Potawatomis and Miamis into "useful citizens of the new republic."³

He was sorely disappointed. William Wells, the Indian agent at that location previously had administered the government's "civilization funds" and he did not relish a rival in dispensing such largess. Raised among the Miamis, Wells was fluent in several tribal languages. Moreover, he was the son-in-law of Little Turtle, a leading chief among the Miamis, and he possessed considerable influence among the Miami and Potawatomi villages in the Fort Wayne region. When Kirk arrived in Indiana on April 20, 1807, Wells agreed to arrange a series of conferences between Kirk and local Indian leaders, but by late May, when the meetings had concluded, the Miami and Potawatomi tribespeople had rejected Kirk's offers of assistance.⁴

Bewildered, Kirk charged that Wells had used his influence to sabotage the Quakers' program, and suggested that Wells wished to gain access to the 6,000 dollars appropriated for that purpose. In reply, Wells stated that the Indians had never wanted Kirk, that the Quaker had arrived in the west too late in the season to begin any meaningful agriculture, and that Kirk knew nothing about Indians and planned to squander the huge government appropriation. Well's charges were partially supported by a letter from local Indians, but many of these correspondents were particularly susceptible to Well's influence and the document's authenticity seemed questionable. John Johnston, the government factor at the post officially "witnessed" the Indian letter, but he privately wrote to Secretary of War Henry Dearborn, also questioning Well's motives.⁵

Frustrated in his attempts to establish programs at Fort Wayne, Kirk now turned to the Shawnees. Black Hoof's people offered a better opportunity for success. Not only had the old chief repeatedly petitioned the government for assistance, but Kirk's party had passed through Wapakoneta, Black Hoof's village, enroute to Fort Wayne, and the Shawnees had welcomed the Quakers into their midst. In addition, the Shawnees were located farther from Fort Wayne and were outside the realm of Well's influence. Reporting to Dearborn that he "could be advantageously employed (sic) among the Shawnies and wiendots (sic)," in June, 1807 Kirk and his party withdrew to Wapakoneta.⁶

Black Hoof's people welcomed the Quakers for several reasons. In 1805 Lalawethika, a ne'er-do-well son of a prominent Shawnee family had experienced a series of visions which had transformed the former alcoholic into a religious leader with an expanding number of disciples. Changing his name to Tenskwatawa (The Open Door), this new Shawnee Prophet advocated a return to traditional Shawnee lifestyles and condemned those Indians who adhered to the white man's ways. Attracting followers from many tribes, Tenskwatawa threatened the influence of village chiefs such as Black Hoof who were attempting to cooperate with the Americans. Indeed, the Prophet's threat was of a serious nature since the Shawnee holy man taught that the Americans were the children of the Great Serpent (evil spirit); therefore, those Indians who adopted American practices also were disciples of this malevolent force. In 1806 Tenskwatawa had condemned several pro-American Delawares as witches and the hapless victims had been burned by their kinsmen. In seeking government assistance, Black Hoof and his people also were vulnerable to such charges, and the Prophet had denounced Black Hoof as a tool of the Americans. During the winter of 1807 bloodshed had erupted between the two sides, and Black Hoof obviously sought assurances of government protection. From the old chief's

viewpoint, the establishment of the government sanctioned mission in his village both buttressed his authority and endorsed his leadership.⁷

Kirk soon became involved in Shawnee politics. In June, 1807 the Quaker participated in two conferences which addressed the growing rift between Black Hoof and the Prophet. The first meeting, held at Wapakoneta, focused upon the mysterious death of two of Black Hoof's warriors, who were found slain in the forest. Black Hoof and his followers assumed that the men had been killed by disciples of the Prophet, but when representatives from Tenskwatawa's village arrived at Wapakoneta, they disavowed any responsibility for the deaths. Kirk attempted to mediate between the two sides, but since he was living at Wapakoneta, the Prophet's followers dismissed him as an ally of Black Hoof and refused his intercession. In contrast, Black Hoof's people seemed to welcome his intervention, envisioning the missionary as an agent of the government authorized to administer justice. The council did little to solve the differences between the two Shawnee camps, but it did serve to alienate the Quaker from Tenskwatawa and to identify him more closely with Black Hoof.⁸

Kirk played a more constructive role at the second conference. During the late spring, several white hunters were killed by Indians near Staunton, Ohio, and settlers in the region began to abandon their homes and flee toward the Ohio. Attempting to stem the panic, Governor Edward Tiffin asked representatives from both Wapakoneta and Greenville (the Prophet's village) to assemble at Springfield, a frontier village on the Mad River, so that state authorities could investigate the murders. The Indians met with white officials during June, but the rift within the Shawnee tribe had widened. Both Black Hoof and Tecumseh, who spoke for the Indians at Greenville, disavowed any culpability in the killings, but when asked if he knew who was responsible for the deaths, Tecumseh grabbed Black Hoof's shoulder and proclaimed, "This is the man who killed your white brother!" Leaping to his feet, Black Hoof denounced Tecumseh as a liar and the two men seized weapons, ready to settle their quarrel through arms.⁹

Fortunately, cooler heads prevailed. Kirk and other officials quickly intervened to prevent any bloodshed, and both men put away their weapons. Subsequent investigation indicated that the murders had been committed by some Potawatomis, and that neither band of Shawnees had any knowledge of the affair. Meanwhile, Kirk interceded with white settlers in the region to assure the latter that the Indians at Wapakoneta were peaceful and meant no harm. Through a series of meetings he eventually convinced the Ohioans of Black Hoof's loyalty, even suggesting that the Shawnees at Wapakoneta could be relied upon to warn the frontier of hostile war parties. Reassured, during the summer of 1807 many of the settlers returned to the farms they earlier had abandoned.¹⁰

Assisted by Kirk, Black Hoof's people began to cultivate farms of their own. Although Kirk and his associates continued to suffer from "feavers (sic) common to the country," they spent the summer and fall of 1807 urging the Shawnees to "walk the corn road" toward "civilization." The Quakers arrived at Wapakoneta too late for the usual spring planting, but with the Shawnees' help they cleared about thirty acres, planted a late crop, then split rails and fenced in another one hundred acres in preparation for the next year's cultivation. The Shawnees were short of food, so Kirk suggested that they disperse in small camps for the remainder of the summer while the Quakers minded their fields. In the fall, when the corn was harvested, most of the Shawnees returned to Wapakoneta and assisted the Quakers in the construction of log cabins.

Although the corn crop was smaller than expected, with the Quakers help Black Hoof's people survived the winter, and during the spring of 1808 they reported to Jefferson that they were eager to begin their planting. They also thanked the government for sending "our friends, the Quakers, to help us, and we find they are good people and concerned for our welfare and have done a great deal for us in instructing our young men in a good way and how to use the tools we see in the hands of our white brothers."¹¹

During the following season the Shawnees continued their program of acculturation. In the spring of 1808 they cleared additional land and by summer they had planted over five hundred acres, mostly fenced, in corn and other vegetables. Following the Quakers' advice they expanded their usual crops of corn, beans, squash, and pumpkins to include turnips, cabbage, and potatoes. They also planted small orchards of apple tree seedlings, and with Kirk's assistance they acquired a small herd of hogs, three cattle, and two yokes of oxen. Although some of the Shawnees continued their traditional practice of planting crops in communal fields, others fenced off separate plots and cultivated their crops in a manner similar to white farmers.¹² The less traditional Shawnees began emulating white agricultural practices to upgrade their subsistence as individuals became responsible for their personal improvements.

Acculturation took place in other areas of endeavor. With Kirk providing financial assistance, Black Hoof and his followers purchased a store of farm implements, and a blacksmith was hired to set up a forge in the Shawnee village. Throughout the summer the Shawnees felled trees and hewed logs to erect additional cabins in preparation for the approaching winter months. Encouraged by the progress, the Quakers began the construction of both a grist mill and a saw mill, so the Indians could "furnish their houses in a commodious manner."¹³ In the fall of 1808 Black Hoof and his people reaped a "bounteous harvest," and Kirk was so pleased with the mission that he made plans to open similar endeavors among the Wyandots, Delawares and other Indians. Moreover, both Black Hoof's people and the Quakers were optimistic for other reasons. During the spring of 1808 the Shawnee Prophet had abandoned his camp at Greenville and had moved to a new village, Prophetstown, located at the juncture of the Tippecanoe and Wabash rivers in western Indiana. The Prophet's withdrawal from Ohio seemed to remove the last obstacle to Kirk's programs in civilizing the Shawnees, and both the Quakers and the Shawnees looked forward to a future of increased acculturation and prosperity.¹⁴

The Shawnee-Quaker relationship received considerable approval from white frontiersmen in Ohio. American citizens passing through Wapakoneta later wrote to officials in Washington, commenting upon the well-groomed fields that surrounded the Shawnee village. Others mentioned the "comfortable houses of hewn logs with chimneys, and this is a matter of surprise to those that are acquainted with the character of Indians." Some observers remarked upon the Shawnees' hospitality toward white travelers, while others praised their "sobriety" and "temperance." Yet more important, by the fall of 1808 the relationship between Black Hoof's people and their white neighbors had so improved, that the white community envisioned the Shawnees as a bastion against hostile Indians. According to one group of citizens from the Dayton area, when Black Hoof's warriors visited the settlements, "We find them sober and civil . . . and look upon them as a watchful safeguard to our habitations."¹⁵

Yet the prospects for the Shawnee-Quaker relationship shone brighter in Ohio than in Washington. Ironically, much of Kirk's immediate success also proved to be his undoing. The Quaker's enthusiastic zeal for spreading

"civilization" completely overshadowed such mundane realities as finances. Envisioning a great opportunity to "spread the gospel and the articles of husbandry," Kirk initiated a series of programs which rapidly outstripped his resources. In 1807, when he arrived in Wapakoneta, he had brought several wagonloads of implements with him. Eager to win the support of Black Hoof's people, he was generous with his supplies and evidently supported many of the Shawnees during the summer. Meanwhile, Kirk became so enthralled with his new mission that he failed to send any record of his accounts to Washington. Finally, late in December, 1807, he included a financial statement in his report to Dearborn, but by that time he had spent more than his initial appropriation.¹⁶

Late in February, Dearborn wrote to Kirk acknowledging the receipt of his accounts, but expressing the government's displeasure with his expenditures. Dearborn provided sufficient funds to cover Kirk's overdrafts, but warned that he should be more frugal and offer a more prompt accounting of his expenses. Dearborn also indicated that Jefferson was displeased that so much money had been expended with such "insufficient result." In response, Kirk defended his efforts and claimed that he had been forced to exceed his appropriations "on account of the opposition I met with at Fort Wayne . . . by a man whose influence with the chiefs would evidently operate to whatever might be his interests" (i.e., William Wells). He admitted that "the amount of money expended far exceeded what it ought to have done in proportion to the settlements opened," but he assured Dearborn that the coming year would illustrate that his endeavors had been a success.¹⁷

Convinced that Dearborn was satisfied, Kirk spent the summer of 1808 expanding the mission and opening a new station among the Wyandots on the Sandusky River. Meanwhile, undeterred by Dearborn's warning, he contracted for the two mills at Wapakoneta and purchase additional livestock and farm implements. Undoubtedly the mission flourished, but by autumn Kirk again had expended his entire appropriation, and in October, when he wrote a series of bank drafts to pay for supplies and salaries for several of his employees, the government refused to honor them. Surprised, Kirk immediately wrote to Dearborn complaining that he had received no instructions from the government for several months, and inquiring if the government's failure to honor his drafts was a mistake. He again admitted that his mission "may have cost the government more in the outset than at first contemplated," but he reasserted that he was being opposed by "evil men" who added to his difficulties in administering the station. Moreover, according to Kirk, he had spent considerable funds at Wapakoneta so that Black Hoof's village would serve as an example to other Indians and make them more amenable to future mission efforts. If Dearborn and other officials would only journey to Ohio, they could witness for themselves the successful results of Kirk's endeavors. Indeed, according to the Quaker, the Shawnee and Wyandot missions would soon be so profitable that they might support new stations among other tribes.¹⁸

While Kirk attempted to defend his efforts among the Shawnees, the "evil men" whom he warned against actively worked for his dismissal. Although "hard" evidence to implicate William Wells in these activities is limited, the circumstantial evidence is overwhelming. Wishing to monopolize the expenditure of Indian funds in northern Indiana and western Ohio, Wells resented Kirk as a rival who threatened his position of prominence. When Wells learned that Kirk had complained to federal officials about his opposition, he wrote to the Quaker denouncing him as an opportunist and warning that he would paint Kirk as "very

injurious to the views of both the government and the Friends among the Indians."¹⁹

Never a purveyor of idle threats, Wells initiated a concerted campaign against the Quaker. During 1807 he wrote to federal officials, suggesting that Kirk was only interested in using the Indians' funds for his own purposes, and he asked that Kirk's annual appropriation be placed under the control of the Indian agency at Fort Wayne. Learning of Kirk's financial difficulties, he charged that the Shawnees were unhappy over "the great sum of money he (Kirk) would expend for the government without any probability of his being of any service to them (the Shawnees)." Wells further suggested that the government resettle Black Hoof's people at Fort Wayne where their annuities might be dispensed under his supervision. Meanwhile, federal officials in Washington and in the west were supplied with information of an even more insidious nature. Rumors were circulated among the frontier settlements that Kirk was sexually involved with a series of Indian women and was spreading venereal disease among the Shawnees at Wapakoneta. Wells cannot be directly linked with the sexual slander, but it is significant that during the winter of 1808-1809, when the campaign against Kirk was at its zenith, Wells accompanied a party of Indian leaders to Washington. It is also imperative to note that on December 22, 1808, while Wells was in Washington, Dearborn wrote a letter to Kirk, dismissing him from any further association with the government.²⁰

Disappointed, the Quaker remained at Wapakoneta throughout the winter, pleading with Dearborn for his reinstatement. Kirk's appeals were supported by numerous testimonials and petitions from citizens in western Ohio, but Dearborn refused to recant. Defeated, in April 1809 the Quakers abandoned their mission and returned to Baltimore. Kirk spent the next three years attempting to enlist government funding for missions among other tribes, but he was unsuccessful.²¹ The Shawnees were bewildered by Dearborn's decision. Both Black Hoof's people and the Wyandots along the Sandusky River wrote to the government asking that Kirk be retained. Claiming that "since that man has come to live with us our women and children has found the benefit of it, they have plenty to eat and he has helped us to make farms and fences around our corn fields," Black Hoof and other leaders pleaded with Dearborn to reverse his decision. Finally however, when it became apparent that their efforts had failed, the Shawnees met with the Quaker and bid him a formal farewell. After thanking him for his assistance, they presented Kirk with a belt of white wampum, stating that their gift was:

a token of friendship. It is white and pure and will show you that our friendship is so too. We wish you to keep it so that when ever we meet it will bind us together as brothers, and when our children and yours meet together it will show them that our friendship is strong and pure and will bind them together as it does us ... we do hope when our father the President and your friends see it they will know how much we love you and be willing to let you come back to us again.²²

Kirk's dismissal resulted from several factors. Undoubtedly the Quaker agent was prodigal in his expenditures, but the evidence indicates that the money was spent in developing the mission and not for any personal profit. Immersed in his work, Kirk was negligent in reporting his expenses to the government, and his delays, coupled with the overdrafts, did not endear him to a government hard pressed to meet its financial obligations. Yet by all

accounts his mission was successful, and according to both Indian and white testimonials the Shawnees made rapid strides in acculturation.

Well's contribution to Kirk's demise is much harder to assess. Unquestionably the Indian agent used his influence to oppose the Quaker's activities, and he may have enlisted the support of several traders who saw the Shawnees' reliance upon agriculture as a threat to the fur trade. More important however was Well's opposition to the mission at Fort Wayne, for Kirk's initial failure to establish the station among the Miamis and Potawatomis seemed to traumatize the Quaker and cause him to redouble his efforts among the Shawnees, regardless of the costs. Kirk's obsession to make the mission at Wapakoneta "an example for all the rest," even in the face of Dearborn's warning was the primary factor leading to his dismissal. Ironically, the resulting uproar over Kirk's firing cast additional doubt upon Wells, and he too was dismissed by the War Department in the spring of 1809.²³

The Quaker withdrawal disrupted the Shawnees. Although Wells was replaced by John Johnston, and the Shawnees were transferred to the Fort Wayne Agency, at first no missionaries returned to Wapakoneta. Johnston periodically visited the Shawnee village and found Black Hoof's people still interested in agriculture, but without Kirk's guidance, their efforts were less successful. Yet the Quaker's endeavors ultimately proved beneficial to the United States. The Shawnees remembered his kindness, and despite continued pressure from pro-British Indians, Black Hoof's people refused to join the British during the War of 1812. Honoring their pledge of friendship, Shawnee warriors from Wapakoneta served as scouts when William Henry Harrison's army invaded Canada and defeated British and Indian forces at the Battle of the Thames. And in the postwar years, when the fighting ended, they still held fast to the white belt of friendship, for in 1819 they welcomed Henry Harvey, another Quaker missionary, into their village.²⁴

CHAPTER 5

NOTES

1. Francis Paul Prucha, *AMERICAN INDIAN POLICY IN THE FORMATIVE YEARS: THE INDIAN TRADE AND INTERCOURSE ACTS* (Lincoln: University of Nebraska Press, 1970), pp. 215-26. Prucha's volume provides an excellent survey of early American policy. Also see Bernard Sheehan, *SEEDS OF EXTINCTION: JEFFERSONIAN PHILANTHROPY AND THE AMERICAN INDIAN* (Chapel Hill: University of North Carolina Press, 1973).

2. Speech by Black Hoof, February 5, 1802, Shawnee File, Great Lakes-Ohio Valley Indian Archives, Glenn A. Black Laboratory of Archaeology, Indiana University, Bloomington, Indiana. Also see Lawrence Henry Gipson, *THE MORAVIAN INDIAN MISSION ON WHITE RIVER* (Indianapolis: Indiana Historical Bureau, 1938); Joseph A. Badger, *A MEMOIR OF JOSEPH BADGER* (Hudson, Ohio: Sawyer, Ingersoll and Company, 1851); and R. David Edmunds, "Redefining Red Patriotism: Five Medals of the Potawatomis," *RED RIVER VALLEY HISTORICAL REVIEW*, Vol. 5, (Spring, 1980), pp. 13-24.

3. Edmunds, "Redefining Red Patriotism," pp. 18-19; Kirk to Dearborn, May 28, 1807, Letters Received by the Secretary of War, Main Series, Records of the Office of the Secretary of War (Record Group 107), National Archives, Washington (M221, Roll 9, 2854-2861). Hereafter materials from the National Archives will be cited by microfilm number. Also see Moses Dawson, *A HISTORICAL NARRATIVE OF THE CIVIL AND MILITARY SERVICE OF MAJOR GENERAL WILLIAM H. HARRISON* (Cincinnati: Moses Dawson, 1824), pp. 91-92.

4. Kirk to Dearborn, May 28, 1807, M221, Roll 9, 2854-2861; Wells to Dearborn, August 20, 1807, *IBID.*, Roll 15, 4743; Speech by Wells to the Miamis, Potawatomis, and Eel Rivers, May 13, 1807, *IBID.*, Roll 33, 1509-1510. Although this speech by Wells supports Kirk's efforts, it was not enclosed in the correspondence sent to Washington in 1807, and was sent to Washington only in 1809, after Wells was attempting to be reinstated in the Indian service. The inclusion of the speech in the 1809 correspondence casts considerable doubt that it was written in 1807 and suggests that the document was written only after Wells had been discharged. Also see Wells to Harrison, June 1807, in Logan Esarey, ed., *THE MESSAGES AND LETTERS OF WILLIAM HENRY HARRISON* (2 vols., Indianapolis: Indiana Historical Commission, 1922), Vol. 1, p. 218, in which Wells suggests to Harrison that he (Wells) should be authorized to spend the 6,000 dollars appropriated for Kirk's program.

5. Kirk to Dearborn, May 28, 1807, M221, Roll 9, 2854-2861; Wells to Dearborn, August 20, 1807, *IBID.*, Roll 15, 4743; Wells to Kirk, June 18, 1807, *IBID.*, Roll 9, 2878-2879; Indians to the President, August 23, 1807, *IBID.*, Roll 15, 4749; Johnston to Dearborn, May 31, 1807, Letters Received by the Secretary of War, Unregistered Series, Records of the Office of the Secretary of War, (M222, Roll 2, 854-855).

6. Kirk to Dearborn, May 28, 1807, M221, Roll 9, 2854-2861.

7. R. David Edmunds, *THE SHAWNEE PROPHET* (Lincoln: University of Nebraska Press, 1983), pp. 1-60, passim.
8. Kirk to Dearborn, July 20, 1807, M221, Roll 9, 2874-2878; Wells to the Secretary of War, April 20, 1808, in Clarence E. Carter, ed., *THE TERRITORIAL PAPERS OF THE UNITED STATES* (27 vols., Washington: Government Printing Office, 1934-), Vol. 7, pp. 555-60.
9. Joseph Vance to Benjamin Drake, n.d., Tecumseh Papers, Draper Manuscripts, State Historical Society of Wisconsin, 2YY108-117; Tecumseh Papers, *IBID.*, 3YY134-136; Simon Kenton Papers, *IBID.*, 9BB1. Also see R. David Edmunds, *TECUMSEH AND THE QUEST FOR INDIAN LEADERSHIP* (Boston: Little, Brown and Company, 1984), pp. 93-94.
10. Kirk to Dearborn, July 20, 1807, M221, Roll 9, 2874-2878; Kirk to Dearborn, August 9, 1807, *IBID.*, 2880; Citizens of Ohio to the President, September 25, 1808, *IBID.*, Roll 25, 8147; Henry Brown to the Secretary of War, *IBID.*, 8188. Also see Edmunds, *TECUMSEH*, p. 94.
11. Kirk to Dearborn, July 20, 1807, M221, Roll 9, 2874-2878; Kirk to Dearborn, December 25, 1807, *IBID.*, 2888-2891; Black Hoof and others to the President, Spring, 1808, *IBID.*, Roll 17, 5258.
12. Kirk to Dearborn, April 12, 1808, M221, Roll 25, 8114-8115; Shawnee chiefs to the President, December 1, 1808, *IBID.*, 8148-8150.
13. Shawnee chiefs to the President, December 1, 1808, M221, Roll 25, 8148-8150; Kirk to Dearborn, December 10, 1808, *IBID.*, 8143-8144; Kirk to Dearborn, February 12, 1809, *IBID.*, 8157; Citizens of Ohio to the War Department, September 25, 1808, *IBID.*, 8147.
14. Kirk to Dearborn, April 12, 1808, M221, Roll 25, 8114-8115; Kirk to Dearborn, December 10, 1808, *IBID.*, 8143-8144; Edmunds, *THE SHAWNEE PROPHET*, pp. 66-69.
15. "Diary of an Exploratory Journey of the Brethren Lukenback and Haven, in Company of the Indian Brother Andreas, along the St. Mary's River, the south tributary of the Miami, which flows into Lake Erie," August 26-September 13, 1808, Moravian Archives, Bethlehem, Pennsylvania, Box 157, Folder 11; Citizens of Ohio to the War Department, September 26, 1808, M221, Roll 25, 8147; Francis Duchouquet to the President, December 4, 1808, *IBID.*, 8145.
16. Kirk to Dearborn, August 9, 1807, M221, Roll 9, 2880; Kirk to Dearborn, December 25, 1807, *IBID.*, 2888-2891; Kirk to Dearborn, January 28, 1809, *IBID.*, 2897.
17. Dearborn to Kirk, February 19, 1808, Shawnee File, Great Lakes-Ohio Valley Indian Archives; Kirk to Dearborn, April 12, 1808, M221, Roll 25, 8114-8115.

18. Sutherland and Brown to Kirk, November 30, 1808, M221, Roll 25, 8151-8152; Kirk to Dearborn, December 10, 1808, IBID., 8143-8144.
19. Wells to Kirk, June 18, 1807, M221, Roll 9, 2878-2879.
20. Wells to Harrison, June 1807, Esarey, HARRISON LETTERS, Vol. 1, p. 218; Wells to Dearborn, August 20, 1807, Carter, TERRITORIAL PAPERS, Vol. 7, pp. 469-71; Wells to Dearborn, M221, Roll 15, 4815-4816; Douchouquet, December 4, 1808, IBID., Roll 25, 8145; James Welch and others to Dearborn, March 30, 1809, M222, Roll 4, 1634. Dearborn to Kirk, December 22, 1808, Shawnee File, Great Lakes-Ohio Valley Indian Archives.
21. Kirk to Dearborn, February 12, 1809, M221, Roll 25, 8147; Henry Brown to Dearborn, March 27, 1809, IBID., 8188; James Welch and others to Dearborn, March 30, 1809, M222, Roll 4, 1634; Citizens of Champaign County Ohio to James Madison, April 12, 1809, M221, Roll 25, 8212.
22. Chiefs and Headmen of the Shawnees to the Presidents, April 10, 1809, M221, Roll 25, 8053-8054; Shawnee speech to Kirk, April 14, 1809, IBID., 8188-8190; Wyandots to Kirk, April 30, 1809, M222, Roll 4, 1632.
23. Kirk to Dearborn, December 10, 1808, M221, Roll 25, 8143-8144.
24. Edmunds, TECUMSEH, pp. 199-201; "Work of the Ohio Yearly Meeting for the North American Indians," Society of Friends Records, Ohio Historical Society; Harlow Lindley, "Friends and the Shawnee Indian at Wapakoneta," OHIO STATE ARCHAEOLOGICAL AND HISTORICAL QUARTERLY, Vol. 54 (January, 1945), pp. 33-39; Henry Harvey, HISTORY OF THE SHAWNEE INDIANS FROM THE YEAR 1681-1854 (Cincinnati: E. Morgan and Sons, 1851), passim.

"The Federal-Indian Policy Of Removal And Its Legacy"

The Indian Removal Act of 1830 under President Andrew Jackson's administration authorized one of the largest population displacements in this nation's history. Theoretically almost impossible, he established a policy to remove the entire eastern Indian population to west of the Mississippi River through a series of "removal" treaties signed with each of the tribes. The results were devastating for the Indians who were forced from their homes. Sometimes placed in chains, they suffered and died along the "Trail of Tears."

Following the War of 1812, white settlers expanded rapidly into the country north of the Ohio River. Twelve tribes signed the Treaty of Greenville and others treaties were signed that ceded to the United States lands of the Shawnee, Potawatomi, Iowa and other tribes. This area, the Old Northwest Territory, was surrendered by the Indians who were moved just west and then new treaties were signed again as settlers trespassed upon the new treaty lands. In one case, the Sauks and the Foxes, were removed to Iowa, to Kansas and finally to Oklahoma. Other tribes in this region were removed two and three times as well.

In the Southeast, settler pressure forced the federal government to sign sometimes two or three treaties with the five large tribes: Treaty of New Echota (1835) with the Cherokees; Treaty of Indian Springs (1825) and two Treaties of Washington (1826 and 1832) with the Creeks; Treaties of Pontotoc (1832) and Doaksville (1837) with the Chickasaw; Treaties of Tampa Bay (1823), Payne's Landing (1832) and Fort Gibson (1835) with the Seminole; and Treaties of Doak's Stand (1820) and Dancing Rabbit Creek (1830) with the Choctaw. Charles Roberts refers to the last agreement in his following essay that describes the life story of his grandmother, Lisa Phillip Roberts. Through her life, he narrates the removal of the Choctaws after the removal treaty, moving to Oklahoma to be allotted lands and the voluntary migration onto to California in a "Grapes of Wrath" effort.

CHAPTER 6

"CHOCTAW GENERATIONS: FROM REMOVAL IN MISSISSIPPI TO RELOCATION IN CALIFORNIA"

Charles E. Roberts

Early last month, my grandmother, Lesa Phillip Roberts, who lives in Chowchilla, California, turned ninety-four years old. Since Lesa doesn't know exactly when her date of birth is in February, she has arbitrarily selected the first as a day of celebration. My wife and I and our two children, ages five and two, drove down from Sacramento to share in this celebration. I have a need to be near my grandmother in these last years of her life and want my boys to know her in ways that Highway 99 does not permit.

Lesa lives in a duplex with her youngest son, William, in a neighborhood that we have lived in since 1950, moving about from house to house. My aunt Oneida and my cousin Judy, with their families, live across the street, and I have other relatives whose homes are only a few blocks distant. Lesa rarely leaves her apartment, taking only a monthly trip to the local Bank of America to deposit the check she receives from the Veterans Administration. My aunt and cousin take care of the shopping and other needs. For a decade my grandmother has been having problems with her bladder. She suffers from arthritis, and her eyesight is weakened by cataracts. Lesa moves about now only with the help of a walker, but in my mind she is still a powerful woman, who ministered to my needs and nourished my growth. She has always been the core, around which my family has adhered. It may be that, except for us, her life has been insignificant, yet within its course may be felt currents of wider meaning.

During a cold February in 1890, Lesa was born in a small cabin secluded in the backwaters of rural Mississippi. Her home was in Cushtusa, a small Choctaw community some 20 miles south of Philadelphia in Neshoba County.¹ Her parents, Buckhorn and Lucie Phillip, were descended from Choctaws who had remained in Mississippi after the tribe had signed treaties with the United States government to move west in the 1830s and 1840s.² These Mississippi Choctaws, having chosen to remain in their ancestral lands, had struggled for decades to maintain their identity in a society that defined itself in polarities of white and black, the racial categories demanded by slavery.

Prior to the 1880s, they had little intercourse with their white and black neighbors. Their villages were built in the areas marginal to swamps, and they eked out a living by hunting and trapping and by raising garden crops. But in that decade, and in the backwash of powerful forces unleashed by the abolition of slavery, they began to lose their isolation and entered the local economy. By the 1880s railroads had been constructed through central Mississippi, timber companies had begun to clearcut the pine and broadleaf forests, and more land had been opened for cultivation. As the black freedmen departed in large numbers for the Yazoo delta, the Choctaws were recruited as laborers. Most were sharecroppers, working long, hard years for local white farmers, raising only enough corn and cotton to make the barest margin of existence. Others cut and hauled timber for a living or helped in the manufacture of turpentine. Only a few continued to hunt and trap for their livelihoods. The women and

young girls wove cane mats and baskets and sewed patchwork quilts and bartered them locally to storekeepers and to the wives of white farmers.³

Along with these economic changes, the Mississippi Choctaws had also entered into a period of religious and educational upheaval. Although nearly all of them took part in tribal ceremonies handed down over generations, many of them were converted to Christianity. In the 1880s Baptist and Roman Catholic missions were established, followed in the next decade by the Methodist. By the 1890s the Baptists had established nine churches, with an aggregate congregation of 392 Choctaws. Under the direction of Father B. J. Bekkers, a priest from Holland who had arrived in Mississippi during September, 1882, the Catholics purchased 1,840 acres at Tucker in Neshoba County and invited the Choctaws to live there and work the land. By the first year of this century, the Holy Rosary Mission at Tucker had a membership of 690 Choctaws. In 1884 Bekkers established the first school among the Mississippi Choctaws since the 1820s, with an initial enrollment of 26 students. The State of Mississippi developed a public school system for the Choctaws in 1890, so that by the end of the nineteenth century most of their children had an opportunity to obtain an elementary education.⁴

Lesa attended the Catholic mission school at Tucker for less than a year. When she was nearly seven years of age, her father cut his foot severely in a lumbering accident and bled to death. He was buried at the Holy Rosary Mission cemetery in a service that was probably conducted by Father Bekkers. The low voices and the candles flickering above his coffin are indelibly fixed in Lesa's memory.⁵

Late in July, 1903, H. Van V. Smith, a special agent of the Commission to the Five Civilized Tribes, circulated among the Mississippi Choctaws, offering land and security in the Choctaw Nation of Indian territory. By terms of the Indian Appropriation Act of March 3, 1903 (32 Stats. 982), Congress had allocated \$20,000 for the removal of all Mississippi and Louisiana Choctaws identified as eligible under the 14th article of the Treaty of 1830 at Dancing Rabbit Creek, but too impoverished to provide their own transportation and meet removal expenses. When one of Smith's enrolling agents, J. V. Harris, reached Neshoba County, Lesa's mother applied for removal on behalf of her family, consisting of Lesa and her older sister, Fannie. Shortly thereafter, Lucie sold nearly all of their belongings to a neighbor for \$12. Seventeen other Choctaws from Cushtusa had also chosen to emigrate to the west. On August 10, Harris drove them to Meridian, Mississippi, to be interviewed by Special Agent Smith, who confirmed their eligibility as "identified and indigent" Choctaws.⁶

After their interview, the Choctaws from Cushtusa were taken to the fairgrounds some three miles from town, where they joined other Choctaws who had accepted the offer of land in the Indian Territory. As they waited for departure on a special train scheduled for the afternoon of August 12, Lesa overheard other Choctaws express their fears and apprehensions. Some were disturbed about having to leave relatives behind, while others worried about debts owed to the farmers whose lands they worked. Local merchants, who would lose the Choctaws as customers, hovered about the campground, urging them to stay. Land agents and speculators from the Indian Territory pestered them as well, "offering whiskey and money as inducements to sign contracts, alleging that the Government would allot them only low grade lands in the Choctaw and Chickasaw Nations."⁷ On the morning of August 12, a speculator by the name of Edwards from Ardmore, Indian Territory, attempted to organize a

stickball game. He apparently wanted to delay the departure and use the ensuing confusion to cause the Choctaws to doubt Smith's authority and to reconsider the means of their removal. Smith rushed to the fairgrounds and suspended the game. He convinced the Choctaws of the government's good faith and threatened to arrest the speculators.⁸

At 5:00 p. m., two hours behind schedule, a special train of the Queen and Crescent Railway pulled out of the station at Meridian. On board were 259 fullblood Choctaws whose journeys had begun several days earlier in Leake, Jasper, Newton, Kemper, and Neshoba Counties, Mississippi. From Meridian the train made its way to Vicksburg and crossed the Mississippi River, carrying their few personal belongings and memories of the past. According to Choctaw tradition, this was a route once traveled eastward by their ancestors, carrying the bones of all their dead, emerging from the vastness of the west and settling in central Mississippi as a distinct people. At 11:00 p. m., the train halted in Monroe, Louisiana, to pick up five more Choctaws. The next morning it passed through Shreveport and Natchitoches and arrived in Texas that afternoon. At Dallas the passengers were transferred to the Missouri, Kansas and Texas line, and their route turned north to Denison, across the Red River and into the heart of the western Choctaw country. Precisely at midnight, August 13, they arrived at Atoka, where the Choctaw Land Office was located. The Choctaws remained on the train overnight, but Lesa and some of the other youngsters stepped off into the streets of the town, still wet from an early evening shower. The morning air was heavy with their excitement.⁹

Early the next morning the newcomers were taken to Smallwood's Switch, three miles south of Atoka. Vast quantities of food had been prepared for them: barbecued beef, fried potatoes, cornbread, black-eyed beans, pashofa, tanfulla, banaha, and other dishes. The Dawes Commission had erected canvas tents for their shelter, and many of the western Choctaws had gathered to welcome them. Speeches were made, and as Choctaw voices filled the air Lesa's anxiety gradually lessened. Her life stretched before her, a young girl of beauty and promise.¹⁰

All of the Mississippi and Louisiana Choctaws were required to make proof of settlement at the Choctaw Land Office. On August 15, the day after their arrival, Lesa and her mother reported to William H. Angell, the Commissioner of the Land Office, who accepted their testimony indicating their desire to take allotments in the Choctaw Nation. For nearly two months, Lesa and her family remained at the camp near Atoka, living in a nine by nine foot tent. The Atoka firm of Reynolds and Sample provided rations to each family on Thursdays, consisting of flour, beef, bacon, cornmeal, dried fruits, coffee, sugar, soda, baking powder, salt, potatoes, and fresh vegetables. Lesa and her mother cooked their own meals over open campfires, using pots and pans provided by the Commission. When the weather permitted, some of the Mississippi Choctaws hired themselves out to local farmers to pick cotton and perform other tasks. As her mother and sister worked in the fields, Lesa remained in camp to take care of the younger children. On other days she walked in the woods, picked blackberries and wild grapes, and gathered firewood. On one glorious afternoon, she attended a performance of the Sells Brothers Circus in Atoka.¹¹

On August 22, Angell reported to the Dawes Commission in Muskogee that the newcomers were in good condition and had little sickness. But, he added ominously, "there had been two deaths, both of which ... were the result of disease contracted in Mississippi." Doctors T. J. Long and J. S. Fulton of Atoka provided medical attention. Despite their efforts, two more children died. On

September 5, Angell reported that "one of these deaths was caused by a congestive chill, and the other by some bowel complaint." By September 9, sickness pervaded the camp. A large number of the Choctaws had fallen prey to "chills and fever, diarrhea, flux, cold, and in some instances threatened with pneumonia."¹²

The camp was plagued with other problems. Within four days of their arrival two of the children, Eben and Taylor York, ran away and made their way back to Mississippi. The most serious problem, one with explosive potential, was the harassment of Oklahoma Choctaws and intermarried whites who resented what they perceived as preferential treatment given to the Mississippi Choctaws. Known locally as "Snakes" and influenced by the Creek rebel, Chitto Harjo, these Oklahoma Choctaws were attempting to thwart implementation of the program of land allotment and dissolution of tribal government. On August 15, the Dawes Commission hired three Choctaw tribal policemen to protect the camp from such harassment and from the avarice of speculators who wanted to lease Choctaw lands. Within four more days, they were joined by two more tribal policemen.¹³

On September 15, the Choctaw Land Office finally acted, sending 66 of the Mississippi Choctaws to Bennington in Blue County, where another temporary camp had been erected. The Land Office intended to assign the newcomers to an area bounded by the Red River to the south, the line of the Arkansas and Choctaw Railway to the north, the Missouri, Kansas and Texas Railroad to the west, and the St. Louis and San Francisco Railroad to the east. Although this area had been used primarily for pasture and some of it was heavily wooded, Commissioner Angell described it as "a strip of country well adapted for agricultural purposes ..."¹⁴ The Land Office expected to place the Mississippi Choctaws on their allotments before the onset of cold weather, and it provided each family with a set of tools: one hammer, one axe, one saw, one hatchet, and one frow at a cost of \$3.00 a family. With these tools they were expected to build log cabins and to prepare the land for cultivation in the spring. Angell ordered Thomas Bayless, who was in charge of the camp at Bennington, "to impress upon them the necessity of immediately building log houses and advise them that it will be necessary to build a house within a week or ten days in order that you may secure the tent to loan to other Indians."¹⁵

Some of the worst fears of the Mississippi Choctaws were soon realized. A portion of them were settled on lands without an adequate water supply, and some areas were so overgrown with trees and brush that cultivating the land was virtually impossible. They also were afraid that Oklahoma Choctaws would drive them off their homesteads. Bayless wrote to Angell on September 19 that "there might be some trouble with the Snake Indians in the locality where you are placing the Mississippi Choctaws in their allotments made by the commission." A few days later Angell urged Bayless to take the Mississippi Choctaws and simply "place them in their allotments." But, he added, "if they are alarmed over the situation," they should be allowed to return to the camp at Bennington.¹⁶

On September 29, Lesa and her mother were finally assigned allotments by the Choctaw Land Office. They had to wait another week, however, before the Dawes Commission gave approval to these selections. By this time the Commission realized that not all of the Mississippi Choctaws could be accommodated in the area near Bennington, so it opened another camp at the Honey Springs Church near Soper. On October 6, Lesa and 56 other Choctaws were taken by wagon to Bennington, and fifteen days later, the remaining were taken to Soper, and the camp at Atkoa was abandoned.¹⁷

Because of the lateness of the season and of continued troubles with the local Oklahoma Choctaws, the Land Office decided to keep the Mississippi Choctaws in camp until the following spring. It was not until March, 1904, that Lesa and her family were placed on her mother's homestead. At this time Lesa began her adjustment to the land that would be her home for the next 42 years. She helped clear the land, construct a cabin, and put in a garden. On occasion she was hired by farmers in the area to help with their harvests. Lesa did not attend any of the Choctaw schools, which were now under federal receivership due to the Curtis Act of 1898. The sum of her formal education remained the few weeks she had attended the Catholic school in Tucker. Her social life was restricted to the Bennington area and confined mostly to other Mississippi Choctaws.

In 1906, at the age of sixteen, Lesa was married to Daniel Williams, an Oklahoma Choctaw who worked for a cattle ranch near Bokchito. In reports that have filtered down in the family, Daniel is described as a skillful horseman and possessor of an exuberant personality. Their marriage was marked by tragedy. A first child, a young boy with sparkling eyes, lived only for a few months after birth. A second son, Morris, lived until 1919, when he succumbed to influenza at the age of eleven. And, four years after their marriage, Daniel also died, probably from pneumonia.¹⁸

After her husband's death, Lesa returned to her mother's homestead; and, after an appropriate period of mourning, she was married to Charles B. Billey, a Choctaw who had arrived in Oklahoma on the same special train that had brought Lesa in 1903. Charles was the son of Rena Billey, and they had originally lived in Toles, Mississippi. In 1915, when Lesa was twenty-five, she gave birth to a daughter, Nellie. But in the same year, she again became a widow when Charles died of an illness that affected his lungs. The next year, her mother, Lucie, died and was buried at the cemetery at Good Springs. Her own grief, Lesa recalled, was nearly inconsolable.¹⁹

In 1916 Lesa was married for a third time, to Charles's younger brother, Dawson. This marriage also proved shortlived. Two years later, shortly before the birth of their son, Carl, Dawson was called to active military duty as President Woodrow Wilson declared that the nation would enter World War I. Several hundred Choctaws were eventually sent to the Western Front in Europe, and some were highly decorated, but Dawson Billey never made it to France. He contracted influenza during the epidemic of 1918 and coughed up his life at Camp Logan, a training base near Houston, Texas.

A year later, on July 14, 1919, Lesa was married to Jesse Roberts, an Oklahoma Choctaw who had recently been discharged from the United States Army. Jesse's own Army career was less than glorious. He had enlisted as a Private in Company B, 21st Battalion, United States Guards, on May 20, 1918, and was released from active duty seven months later. During this brief period, he served at training camps in Texas and Louisiana. From May 31 to June 2 he was treated in the infirmary at Camp Nicholls, Louisiana, for vaccinia or cowpox. He was also diagnosed on June 1 as having a case of chronic gonorrheal urethritis.²⁰

After so many tragic times Lesa now found in this marriage a measure of happiness and security. During the first ten years of the marriage Lesa gave birth to four children, Pearl, William, Oneida, and Gladys. Jesse built a three-room house on Lesa's homestead allotment, which became known as the "Old Yellow House" after its first coat of paint. Later an additional room was added. The house had neither electricity nor indoor plumbing and was lit by

kerosene lamps. Access to it was over a dirt road. Lesa's life settled into a pattern that flowed from the needs of her children and from the cycle of a farming season. In these routine chores may be found the essential continuities that bind generations and pass on culture. She rose early in the mornings to light the fire and to prepare huge breakfasts of bacon, sausage, fried eggs, and biscuits and gravy. In the evenings, she prepared suppers of fried chicken, pork, sweet potatoes, black-eyed beans, corn-on-the-cob, hominy, okra, peach cobbles, and coffee and cream. Clothes were washed in water heated in a large tub blackened with use. When necessary, Lisa hauled water from the spring behind the house and gathered firewood. On other occasions, she gathered black walnuts, pecans and hickory nuts in the woods. She did most of the gardening, raised chickens, slopped the hogs, and lavished much of her affection on the dogs that gathered beneath the front porch and in the space underneath the house. She told stories to her children, especially in the cold of winter nights, disciplined them whenever necessary, and sent them off to school in Bennington, some six miles distant.²¹

Jesse was a skillful farmer, and his labor produced numerous bushels of corn and bales of cotton. Once a month he bought supplies in Bennington, driving into town with a team and wagon. Occasionally he went to Durant, the largest town in Bryan County, and his family would go with him. While the nation prospered during the so-called Golden Years of the 1920s, so did Lesa and the family. In 1927 Jesse bought a Model-T Ford and drove the family all the way to Oklahoma City, much to the delight of Lesa and the children. On Sundays they attended Presbyterian services at Tishaktak on the east side of the Blue River, where Jesse's father, Benjamin, had once served as minister. Gifted with a fine voice, Lesa loved to sing Christian hymns in the Choctaw language. Her children shared this interest, and as they grew older the girls formed a quartet and sang at both Tishaktak and the Pentecostal church that was nearer their home. After services they joined the congregation, consisting mostly of Choctaws, for a community barbecue and picnic, played baseball and stickball games, lounged about in the shade, and gossiped about their neighbors. In the summers they occasionally drove over to Cherokee Lake where the Presbyterians held summer camps and Choctaws from many districts attended.²²

Then came the Great Depression, and working the farm became difficult. Jesse spent a year in the State Prison at McAlester for stabbing a man during an argument over a debt Jesse was trying to collect. He borrowed money on five occasions from the First National Bank of St. Paul, Minnesota, to buy seed and to meet immediate expenses.²³ When his health began to fail in late 1932, Jesse sought a disability payment from the Veterans Administration. In March, 1933, he was given a thorough physical examination at the V. A. hospital in Dallas, Texas, but his claim was dismissed because his illness was determined not to be service related. The next year Jesse became weaker, and at 5:00 p. m. on March 7, 1934, he died of "tuberculosis of the lungs," at the age of forty-seven. A few days later, on March 12, his body was buried at the cemetery at Tishaktak. His funeral was arranged through the Peoples Mutual Burial Association, and the Veterans Administration provided a coffin for \$90 and a gray shroud for \$10.²⁴

Lesa was left with a family of six children, and the older ones were now assuming lives of their own. Nellie, at the age of nineteen, was married to Homer Neal, a white man, and living apart on lands that she had inherited from her father, Charles Billey. Carl, the oldest boy, had spent several years at Jones Academy, the tribal boarding school at Hartshorne. Shortly after

returning from the Academy, he was married to Pauline Nance, a white woman whose family was originally from Texas. She was a member of the congregation at Tishaktak, had a good understanding of the Choctaw language, and her home was just over the hill and behind Lesa's property. After their marriage, Carl constructed a one-room log cabin about a mile from the Old Yellow House. Lesa became a grandmother, for both Nellie and Carl had two children each by the end of the 1930s. And Pearl, the oldest of Jesse's children, had a son born out of wedlock. As the nation slowly recovered under President Franklin Roosevelt's "New Deal" program, times remained hard for Lesa and her family. Even after World War II broke out, they had difficulty making ends meet. They crossed the Texas border to work for meager wages in the cotton fields near Bonham. During the summer of 1943, they picked cotton in fields adjacent to German prisoners of war. These prisoners, distinctive in their black shirts and shorts, attempted to talk with them and were astonished to hear the strange cadences of the Choctaw tongue. Pearl's two-year-old son was borne aloft on their shoulders and became the object of their good-natured teasing. By this time Lesa had sold much of the property that she had inherited from her husbands. All that was left was her restricted homestead allotment of 120 acres and an additional 100 acres that she and Jesse had purchased in 1923, when times were plusher.²⁵

In May of 1943, as war work opened up, Carl took his family to Richmond, California, traveling by Greyhound bus along Route 66. Some of Pauline's brothers had already made the move and had settled in the Santa Clara Valley. Eventually Carl found work in the Kaiser shipyards constructing Liberty Ships. Nellie and her family soon followed, although they moved into the San Joaquin Valley where her husband took a job on a dairy in Madera County. A year later, in the early part of June, 1944, Lesa decided to reunite her family. Carl had sent her enough money for tickets. She took her four children and grandson to Durant and boarded a train that took them to Kansas City, Kansas. There they were separated. Since the trains were crowded with servicemen, they could not get seats on the same train. William, and their cousin, Theodore Billey, were placed on the Santa Fe line and sent south through Oklahoma and Texas and then to California. Lesa and the rest of the family boarded the Union Pacific and were taken directly west. As Lesa recalls, the powerful landscape that unfolded before them as the train moved into the belly of the continent seemed merely to confirm her trepidations. On the early morning of June 4, 1944, with the sun breaking over the Sierra Nevada, they passed through Sacramento, then over the Sacramento River and into the Delta, rich with asparagus, beans and pears.

Lesa was greeted in Richmond by Carl and his family, and taken to their apartment at 4301 Cutting Boulevard. When Carl and his family had first arrived in Richmond, they had lived in a labor camp in the hills above the city. But shortly before Lesa arrived, they had moved into an apartment furnished by the federal government for \$40 a month. Until the summer of 1945, at least ten persons shared the four rooms of this apartment, sharing the two beds and sleeping on the floor. Relatives and friends from Oklahoma would frequently stay with them, as they also came to California to find employment.

The shipyards at Richmond offered jobs to all who came during those years. Pearl took a position as welder on a segregated shift, composed exclusively of Indians. William became a trucker's helper, and Oneida worked on a cleanup crew. Gladys, the youngest of Lesa's daughters, stayed home at the apartment to help her mother with housework and the grandchildren. Lesa

seldom left the apartment. She could not speak English, and she was always apprehensive around strangers. Her rich interior life could only be released in the soft words of the Choctaw language, in the conversations she had with her children, and in the stories told to her grandchildren and in the songs she sang to them. Often, into the deep of the night, she listened patiently as her children brought to her their discoveries and fears. They were overwhelmed by the intensity of the Bay Area, by its population, and by the money they now found in their pockets each payday. In moments of respite from work, they took the ferry across the Bay, shopped in San Francisco, had their pictures taken at Fisherman's Wharf, watched as ships sailed through the Golden Gate into the maelstrom of the war, and ate at restaurants in North Beach and Chinatown. The girls found themselves courted by sailors and soldiers who thronged the streets, and they acquired a taste for lipstick and beer. The youngest, Gladys, also found herself pregnant. On June 25, 1945, she gave birth to a son, only a few hours before Pauline gave birth to a daughter.²⁶

As the war ended Lesa had a difficult choice to make. She could return to Oklahoma and to the hard times they remembered too clearly, or stay in California and its promise of jobs and sunshine. Lesa never forced the issue, allowing her children to make the decision. In the summer of 1945 they worked in the orchards near Santa Paula and at the Libby's cannery in Sunnyvale. Then in September, when cotton was ready to be picked, they packed their belongings into William's 1938 Ford sedan and made their way over the winding course of the Pacheco Pass and onto the expanse of the San Joaquin Valley. They drove to Madera County, where a number of Bryan County refugees had settled during the Depression and where Nellie's husband, Homer, was already employed. With Carl's family they moved into two tarpaper shacks on the banks of the Berenda Slough, about eight miles west of the small town of Chowchilla. Once more, Lesa's future stretched before her, her beauty now etched with the deepening lines of a life that had passed its midpoint, its promise still open and full.²⁷

CHAPTER 6

NOTES

1. Henry Sale Halbert states that the meaning of Cushtusa is "fleas are there;" its location is identified in his article, "Choctaw Indian Names in Alabama and Mississippi," *TRANSACTIONS OF THE ALABAMA HISTORICAL SOCIETY*, Vol. 3, (1898-1899), p. 73.

2. For information on the background of the Mississippi Choctaws, see Arthur DeRosier Jr., *THE REMOVAL OF THE CHOCTAW INDIANS* (Knoxville: University of Tennessee Press, 1970); Jesse O. McKee and Jon A. Schlenker, *THE CHOCTAWS; CULTURAL EVOLUTION OF A NATIVE AMERICAN TRIBE* (Jackson: University Press of Mississippi, 1980); and John William Wade, "The Removal of the Mississippi Choctaws," *PUBLICATIONS OF THE MISSISSIPPI HISTORICAL SOCIETY*, Vol. 8, (1904), pp. 397-426.

3. The best sources regarding the situation of the Mississippi Choctaws at the end of the nineteenth century are John H. Peterson, "The Mississippi Band of Choctaw Indians: Their Recent History and Current Social Relations," Ph.D. dissertation, University of Georgia, 1970; and Charlie Mitchell Beckett, "Choctaw Indians in Mississippi Since 1830," M. A. thesis, Oklahoma State University, 1949.

4. The best accounts of religious and educational changes among the Mississippi Choctaws are contained in Peterson's dissertation and Beckett's thesis, but also see The Most Reverend Richard Oliver Gerow, *CATHOLICITY IN MISSISSIPPI* (Natchez, Mississippi: The Hope Haven Press, 1939) for information regarding the Holy Rosary Mission. By 1904 the State of Mississippi had dismantled its system of Choctaw schools, a victim of heightened racial tensions and decreased enrollment.

5. Interviews with Lesa Phillip Roberts, February 6, 1976, and with Oneida Roberts Baugher, November 25, 1983. See also Card No. 632, "List of Identified Mississippi Choctaws," dated August 15, 1903, approved by the Secretary of the Interior, September 14, 1903, Federal Archives and Records Center (Hereinafter FARC), Fort Worth, Texas, Record Group (Hereinafter RG) 75, BIA, Entry 111, Records Relating to the Identification of Mississippi Choctaws.

6. The Dawes Commission spent the period from April 1, 1901, to April 30, 1903, in Mississippi identifying Mississippi Choctaws and establishing a tribal roll. On July 29, 1903, Special Agent H. Van V. Smith reported that railroad companies had informed him that "contracts so far have removed to the Territory about eleven hundred Indians, and that they expect to move a thousand more between now and fall." Smith soon discovered that the remaining Choctaws were suspicious of his activities and fearful of leaving Mississippi. A number of the Choctaws taken by speculators to the vicinity of Ardmore, Indian Territory, had returned with complaints about the poor quality of land, a lack of water, and mistreatment at the hands of both speculators and local Oklahoma Choctaws. On August 8, Smith reported to the Dawes Commission in Muskogee that he expected to remove 400 of the Mississippi Choctaws on August 12, but speculators "had caused considerable uncertainty among Indians as to

government's real purpose this section," he complained, "is literally over-run with speculators, who, in endeavoring to secure contracts with these Indians, have made all sorts of misrepresentations as to the real purpose of the government in offering aid to indigent and identified fullbloods to remove and to make settlement in the Indian Territory." On August 12, Smith informed the Commission that "many merchants and farmers with whom these Indians have been trading for years, and on whom they have been in a nature dependent, are bitterly opposed to the removal of the Indians from Mississippi. It is alleged that they have done all in their power to keep the Indians from moving ..." see Letters of Special Agent H. Van V. Smith, dated July 29, August 8, and August 12, 1903, FARC, Fort Worth Texas, RG 75, BIA, Records of the Dawes Commission, Entry 168, Letters Sent by Special Agent Smith, August-October, 1903. Out of a total of 2,534 Mississippi Choctaws identified by the Dawes Commission, 1,445 would make settlement in the Indian Territory, leaving only 1,089 in Mississippi. This figure is found in the special report of Joseph W. Howells, March 3, 1909, REPORT RELATING TO THE ENROLLMENT OF CITIZENS AND FREEDMEN OF THE FIVE CIVILIZED TRIBES, a copy of which is located in the FARC, Fort Worth. See also the ANNUAL REPORT of the Commissioner of Indian Affairs for 1906.

7. Letter from Special Agent Smith to the Dawes Commission, August 12, 1903, Entry 168 above.

8. IBID.

9. A complete list of all 259 Mississippi Choctaws and five Louisiana Choctaws who emigrated to the Choctaw Nation on August 12, 1903, may be found at the FARC, Fort Worth, RG 75, BIA, Records of the Commission to the Five Civilized Tribes, Records Relating to the Mississippi Choctaws, Entry 112, Lists of Persons Removed. Information on their arrival in Atoka is in Letter from Special Agent Smith to the Dawes Commission, August 13, 1903, in Entry 168 above. The reference to weather conditions may be found in the Indian Citizen, Atoka, August 13, 1903, and August 20, 1903.

10. Interview with Lesa Phillip Roberts, August 21, 1981 by Charles E. Roberts, Chowchilla, California.

11. Letter from William H. Angell to the Dawes Commission, August 15, 1903, FARC, Fort Worth, RG 75, BIA, Records of the Commission to the Five Civilized Tribes, Entry 165, Letters Sent to Muskogee by the Choctaw Land Office, Vol. 3, July 30, 1903-August 31, 1903; Letter from William H. Angell to the Dawes Commission, September 29, 1903, in Vol. 4, August 31, 1903-October 1, 1903. Interview with Lesa Phillip Roberts, February 6, 1976 by Charles E. Roberts. The Indian Citizen for August 13, 1903, refers to the scheduled appearance of the Sells Brothers Circus.

12. Letters from Commissioner Angell to the Dawes Commission, August 22, September 5, and September 9, 1903, Entry 165 above, Vols. 3 and 4.

13. Letter from Commissioner Angell to the Dawes Commission, August 18, 1903, Entry 165, Vol. 3, above, regarding the runaways; the information on the hiring of the Choctaw policemen is in a telegram from William O. Beale of

the Choctaw Land Office to the Dawes Commission, August 15, 1903, and a letter from Angell to H. Van V. Smith, September 29, 1903, Entry 165, Vols. 3 and 4.

14. Letter from Commissioner Angell to Carl Patterson of the Choctaw Land Office, August 13, 1903, Entry 165, Vol. 3 and letter from Angell to the Dawes Commission, August 29, 1903, Entry 165, Vol. 3.

15. Letter from Commissioner Angell to Thomas H. Bayless, Bennington, September 29, 1903, Entry 165, Vol. 4.

16. Letters from Commissioner Angell to Thomas H. Bayless, September 19 and September 23, 1903, Entry 165, Vol. 4.

17. Letter from Tams Bixby, Chairman of the Dawes Commission, to the Commissioner in Charge, Choctaw Land Office, October 1, 1903, Entry 165, Vol. 4; a letter from Angell to the Dawes Commission, October 2, 1903, includes the names of Lesa and her mother, Lucie. See also letters from Angell to the Dawes Commission, October 10, 1903, and to H. Van V. Smith, October 6, 1903, Entry 165, Vol. 4.

18. Interviews with Lesa Phillip Roberts, February 6, 1976, and August 21, 1981 by Charles E. Roberts; a listing of Lesa's marriages may be found in the files of the Veterans Administration, Regional Office, San Francisco, California, Case File XC-2 133186.

19. IBID.

20. Case File XC-2 133186.

21. Interviews with Lesa Phillip Roberts, August 21, 1981; Oneida Roberts Baugher, November 25, 1983; and Mamie Billey Machnicz, Del City, Oklahoma, June 25, 1984 by Charles E. Roberts.

22. Interviews with Lesa Phillip Roberts, February 6, 1976, and August 21, 1981; and with Oneida Roberts Baugher, November 25, 1983 by Charles E. Roberts. Tishaktak is the way this church is spelled on Jesse Robert's death certificate, VA Case File XC-2 133186; it is more commonly spelled Chisk Oktok.

23. Jesse borrowed \$59 on February 24, 1929, \$72 on February 24, 1930, \$86 on February 24, 1931, \$101.27 on March 16, 1931, and \$90.73 on February 24, 1932. VA Case File XC-2 133186.

24. Jesse was attended during his illness by Dr. S. M. Toney of Bennington; Lesa's signature appears on his death certificate as a witness. VA Case File XC-2 133186.

25. Letter from Dan McDole, Superintendent, Bureau of Indian Affairs, Ardmore Agency, to Charles E. Roberts, Sacramento, California, December 16, 1970.

26. The information in this section derives from the earliest memories of the author and from his interviews with Lesa Phillip Roberts and Oneida Roberts Baugher, listed above, and with Mamie Billey Machnicz, Del City, Oklahoma, on September 29, 1983 and June 25, 1984.

27. Two of Lesa's children are now deceased, Nellie Billey Neal and Pearl Roberts Collum. Lesa has 14 grandchildren, 29 great-grandchildren, and 2 great-great-grandchildren. Through them her life continues.

"The Dawes Land Allotment Act of 1887"

After several years of debate over Indian land allotment in the halls of Congress and in offices of bureaucrats, members of the Lake Mohonk meetings and federal officials concurred that distributing reservation lands to tribal members was necessary, if Indians were to survive in the twentieth century. Initially against allotment, Senator Henry L. Dawes of Massachusetts introduced the bill in Congress that was finally voted approval after much discussion. The act presumed to make settler farmers out of Indians and civilize them so that they could earn their livelihoods without having to depend on the federal government. The allotment policy replaced the reservation program which ended with the Act of 1927, preventing the creation of new reservations, (until 1982 when a new reservation was created by congressional law that made a total of 268).

On the reservation of Sisseton and Wahpeton Sioux in Minnesota, 2,000 Indians were the first to be allotted lands under the Dawes Act in 1887, leaving 660,000 acres in surplus. The Act stated that the President could allot reservation lands to Indians, without their consent, in order to become owners in severalty and citizens of the United States, excluding the Five Civilized Tribes and a few other tribal groups. Normally, the head of a family received one-hundred and sixty acres, the mother received eighty and the children received forty acres apiece. The Dawes Commission was in charge of distributing the lands after the reservations were surveyed and tribal rolls were kept to record allotment recipients. Fortunately for the allottees, the Burke Act of 1906 put citizenship in abeyance with the trust relationship with the United States extended beyond twenty-five years. The majority of allottees could not read or write English, and had no much business experience to develop their properties.

But the Burke Act came too late, and many Indians were manipulated out of their lands by shrewd opportunists. From 1887 to 1932 Indian land as a whole diminished from 139 million acres to forty-eight million acres! Of the ninety-one million acres lost, two-thirds disappeared during the first ten years of allotment, even though only five million acres were actually allotted in this period. Terry Wilson describes in the following essay the case of the Osages whose lands also contained oil, compounding the tribal members' problems. Other tribes like the Five Civilized Tribes experienced similar fraud as Angie Debo has told in her book, *AND STILL THE WATERS RUN, THE BETRAYAL OF THE FIVE CIVILIZED TRIBES*. Finally in 1928, the Meriam Report surveyed the living conditions of Indian allotments and remaining reservations, and recommended that allotment be stopped. In 1930-31, the Northern Cheyenne were the last to be allotted lands by special legislation passed in 1926, ending these dreadful experiences of Indian debauchery.

CHAPTER 7

SCARRED EARTH, SCARRED PEOPLE: THE OSAGES AND OIL ON ALLOTTED LANDS - THE STOLEN LAND WILL EAT THEIR HEARTS

Terry P. Wilson

In July 1971, David L. Baldwin, a mixed blood Osage, became the first of his tribe to be appointed as Superintendent of the Osage Agency in Pawhuska, Oklahoma. Despite a life career in the Bureau of Indian Affairs, Baldwin's new position demanded that he master a wholly unfamiliar field of knowledge to become an effective custodian of his people's interests.

Seven years later in an interview, the Osage superintendent displayed a confident expertise as he talked about the tribe's past, present, and probable future. Baldwin recalled the 1920s when the Osages were envied as "the richest people in the world" thanks to the royalties flowing from the vast oil and gas deposits beneath their land. He mingled historical facts, statistics, technological terminology, and political analysis to explain the economics of the tribe's "underground reservation."

Baldwin traced the way in which the Osages had managed to cling to their subsurface mineral estate, holding it tribally, when the surface area of their reservation was allotted in 1906. This insistence had led to great community wealth during the oil boom years, riches which had dwindled in the 1930s and 1940s when the price of petroleum dropped. The superintendent spoke authoritatively about secondary and tertiary recovery of the waning oil resource and predicted that these efforts would yield significant royalties for at least another sixty years.

Proud of the Osage agency's handling of the mineral estate, Baldwin described the new computer, installed to keep a rapid and accurate record of the individual tribal members' shares in the royalty payments made by the dozens of companies pumping oil from the Osage fields. His general optimism about conditions faded only once. When asked to describe the effects of petroleum production on the surface area of Osage County, he replied bleakly and graphically: "When you fly over the land, you can spot the scars - dead places with no vegetation - where oil and salt water from the wells have spilled and ruined the soil."¹

No one thought to question Baldwin about the human price the Osages paid. These people were no less scarred than their land. The exploitation of the mineral estate profoundly affected nearly every aspect of the tribe's history and rendered the dispossession of the Osages from their land unique from that of other Indian groups.

Long before they came to their last home in Oklahoma, the Osages had occupied an extensive domain athwart the Missouri River system in the area later incorporated into the state of Missouri. There they lived in five villages, and a tribe formed from the merging of the Hunkah (People of the Land) and the Tzi-sho (People of the Sky). Siouian speaking, the Osages confounded anthropologists and ethnologists looking for an easy categorization as they left the cover of the eastern woodlands and their tilled fields twice yearly in the summer and fall to hunt buffalo on the prairies and plains of the west.

Whatever their classification - seminomadic, fringe plains, forest - the Osages proved themselves formidable warriors, regarded with deep respect by their Indian neighbors, and effective geopoliticians, gaining advantageous agreements and alliances with agents of the Spanish and French colonial empires.² All that changed with the birth of the United States as the new nation's thrust to consolidate its hold on the Mississippi Valley swept the Osage and other tribes westward during the removal period. A large "permanent" reservation, bounded on the south by the present border separating Kansas and Oklahoma, became the new home of the Osages in 1825.³

The tribe reluctantly accepted its new surroundings although most of the Osages settled in the wooded area in the extreme eastern portion of the Kansas reservation along the upper reaches of Neosho River. Their hope of replicating the style of life left behind in Missouri was soon wrecked by the increasing numbers of Anglo-American intruders. The hollowness of the treaty promises became obvious to the most optimistic after the formation of Kansas Territory in 1854; an event that ushered in an accelerated white settlement. While the U.S. cavalry checked any Osage plans for retaliating against the illegal immigration, the tribe's civilian agents were powerless to do more than counsel forbearance.

Their geographical location virtually assured the Osages of unwanted attention from the pro and antislavery groups in Kansas, and the Civil War which followed the nation's inability to solve their differences engulfed the Indians' homes. Some Osages elected to join the Confederate cause, others fought with the Union, but the majority attempted a difficult neutrality.⁴ Whatever path they chose to negotiate during the war years, all of the Osages faced the unpleasant consequences of the postwar era. White settlers from Kansas, including those squatting on the Osage reservation, insisted on the earliest possible removal of all the state's tribes south to Indian Territory.

Yielding to pressure, the Osages agreed to a land cession in 1865 that reduced their Kansas reserve to approximately eight million acres.⁵ They also conceded the inevitability of eventual removal which came in 1871. Isaac Gibson, the tribe's first Quaker agent, was appointed in 1869. He managed to dissuade some of the Osage leaders from seeking allies among the plains tribes and forcibly ousting the encroaching frontiersmen. One chief, Joseph Paw-ne-no-pashe (Not-Afraid-of-Longhairs) lived up to his name by successfully demanding that certain guarantees be met before the tribe consented to occupy a new reservation located between the 96th parallel and the Arkansas River.

The Osage were to retain the privilege of hunting buffalo beyond the boundaries of the reservation which was to be kept tribally rather than divided into individual allotments. They also received solemn assurances from the federal government that their land would be safeguarded from trespass. The buffalo herds disappeared by 1875, allotment was forced on the Osages in 1906, and the combined resources of the United States civil administration and military apparently were insufficient or unwilling to keep intruders off the Osage lands.⁶

One assurance given the Osages in exchange for agreeing to removal was fulfilled: they were allowed to send scouts into Indian Territory to find a suitable home. The scouting party did not search far. Across the Kansas line in an area belonging to the Cherokees was desirable land that the tribe purchased with funds received from the sale of the old reservation. Afterward the Osages always made much of the fact that they had purchased their new reservation, holding it in "fee simple," thus maintaining a stronger claim to exercise control over its disposition. The tribal leaders intended the reservation to be Osage land permanently, hopefully with a minimum of Anglo-American interference in

the tribe's affairs. In 1874 and again in 1888, the tribe sent petitions to Congress protesting plans to establish a territory that would include Osage land--a scheme that ignored their claim of sovereignty based on the purchase of the reservation.⁷

The choice of the land reflected the determination of the Osages to retain their identity and sovereignty as a separate people. The ministrations of missionaries and agents in Kansas had made the white man's goal of changing their tribal community and warrior society into a facsimile of the majority culture only too obvious. Comprising 1,470,559 acres, the reservation straddled the cross timbers, the tangled scrub growth of oak that marked the dwindling of the eastern forest in favor of the rolling prairies running west to the high bluffs and timbered shores of the Arkansas River which formed the farthest boundary. Only a third of the land was arable, and this portion would require careful and specialized management. The Osages made it clear that they had no intentions of following the "white man's" civilized road to a life of farming and individualized ownership of the land.⁸

Thickly wooded with oak and hickory and crisscrossed by numerous streams, the eastern half of the reservation provided the Osages with sites for camps similar to the ones in Kansas and earlier in Missouri. Just west of the Arkansas were the buffalo herds and game animals - beaver, deer, otter, turkey, raccoon, and quail - thrived in the forest and tall thick grass of the prairie. Agent Gibson's enthusiasm to "civilize" the Osages caused the Quaker to frown at the beauty of the land, "deceptive in the summer" when the rocks and undergrowth were obscured by foliage and tall grass, and to express his fear that "it is a country poorly adapted for civilizing purposes."⁹

Undaunted, Gibson strove mightily to instill an interest in farming among his charges. When he left the agency in 1875, soil had been tilled, fences built, and crops of corn, wheat and vegetables harvested, but the Osages had scarcely adopted an agrarian style of living. The only true farms were ones operated by the tribe's rapidly increasing number of mixed bloods and intermarried citizens, "white men" married to Osage women. "Squaw patches" of one-half to three acres planted in scattered clearings in the forested area were the sole agricultural effort of the vast majority of full bloods.¹⁰

Nor did the disappearance of the buffalo from the plains by 1875 convince the Osages to take up farming. Despite the dedication of agents after Gibson, agriculture remained an undesirable mode of existence. When the Indian Office belatedly queried William Pollock, the agent in 1900, about the feasibility of altering policy to encourage cattle raising rather than farming, the reply was disquieting. Almost all of the arable land was controlled by a small group of mixed bloods and "avaricious intermarried white men," Pollock reported, and most of the reservation's vast pasturage was leased to white ranchers.¹¹

Interestingly, the presence of outside ranching interests which greatly affected tribal politics and policy decisions contributed to the ability of the Osages to keep a semblance of their traditional life longer than other tribes in Indian Territory. From the sale of the Kansas reservation the tribe had received over seven million dollars that was deposited in the U.S. Treasury in a special fund from which quarterly interest was paid on a per capita basis to the Osages. These payments in cash money when supplemented with the proceeds from the sale of timber and the leasing of land for pasture gave the tribe a larger and steadier income than most white frontiersmen and all of the neighboring tribes. By 1879 the free spending ways of the Osages attracted the

notice of newspapers in Kansas and Arkansas and a variety of people flocked to the "payment days" at the agency hoping to carry off some of the largess.¹²

The government's acculturation plans being carried out on other reservations ultimately relied more on coercion than persuasion, especially through control of the food supply once the buffalo disappeared. When the Osage agents tried to employ this strategy between 1875 and 1879, the tribal leaders refused to be "fed like dogs" and successfully resisted the ration system demanding that they be allowed to purchase their own food using tribal funds on deposit in the treasury.¹³

After negotiating this concession directly with Washington bypassing their agent, the Osage chiefs and headmen took the next step and organized a movement that culminated in the writing and adoption of a constitution in 1881. For the next twenty years the Osage Nation exercised a degree of internal sovereignty over tribal affairs at a time when most other Indians were reluctantly succumbing to economic pressure that was undermining their tribal systems of governance.

The primary concern of the Osage constitutional government was preserving the reservation and tribal ownership of the land. To augment the interest payments from the U.S. Treasury, the National Council approved the first leases of pasture land to Kansas stockmen in 1882. Previously Texas cattlemen had informally paid the Osages for permission to graze their herds, fattening them on the nutritious bluestem grass before continuing their drives to railroads farther north. By 1884 over 350,000 acres had been leased under contracts that generally ran for ten-year periods at an average annual price of three to four cents an acre. Not only did these arrangements add to the tribe's income but the leased land, almost all of it located in the northern sections of the reserve, served as a buffer zone between the tribe's own pony and cattle herds and those kept in Kansas near the reservation boundary. To regularize the new business, Agent Laban J. Miles directed the enclosing of the leased land in 1884.¹⁴

The Osages continued leasing their land, but viewed with dismay, events that were combining to threaten the sanctity of their reservation. In 1887 Congress passed the Dawes Severalty Act which provided the means for communally held reservations to be allotted individually, if the tribes consented. Representatives of the Osages joined those of the Five Civilized Tribes in vigorously petitioning for their exemption from the provisions of the severalty legislation.¹⁵

Although this maneuver was successful, it proved an ephemeral respite. Apprehensively, the Osages watched as the Oklahoma Organic Act was passed in 1890, establishing a territorial government and stipulating that Indian reservations located in the western part of the territory would automatically be annexed when allotted. Three years later, the Osage reservation was attached to Oklahoma Territory for purposes of legal jurisdiction; however, the tribe was not subject to allotment.¹⁶

As one after another of the western reservations was allotted, cattlemen became increasingly interested in the Osage pastures as homesteaders flocked to occupy lands formerly available for grazing leases. Between 1904 and 1907 over half of the reservation was leased, mostly in large parcels to Texas cattlemen. Nonetheless, the day of large scale leasing was nearly over as continued political pressure was applied to force the Osages to accept allotment, thus opening the way for eventual statehood.

In 1905, the year before the passage of the Osage Allotment Act, a visitor new to the area might well have thought the reservation already divided and

Indians assimilated. The Osages, their numbers shrunk from over 4,000 to about 2,000 since 1871 due to disease and dissipation, composed a tiny minority in their own homeland that held an estimated 18,000 non-Indians. They were racially and to a certain extent culturally divided with those of mixed white and Indian parentage outnumbering the full bloods 1,156 to 838.¹⁷

Despite the best efforts of several tribal leaders and the obduracy of the full bloods generally, the Osages had undergone significant change. In Pawhuska, the capital of the former Osage Nation, the constitutional government had been arbitrarily abolished by the Secretary of the Interior in 1901. One newspaper cheered "the gradual progress by the full bloods toward complete civilization," and predicted that "another generation will see all of the old Indian customs wiped out."¹⁸ While the acculturation-minded Indian Office was not so sanguine--Agent O.A. Mitscher cited the full bloods' "pride in mimicking the ancient traditions and customs"--much of the old life had disappeared forever.¹⁹

Commissioner of Indian Affairs William A. Jones, a persistent advocate of rapid acculturation, had urged the Osages to individually select 160-acre homesteads as early as 1901, even though these would have to be tentative until a severalty law was enacted. Over 1,200 paid the surveying fee necessary for filing within a year, a strong indication that the Osages saw allotment as inevitable.²⁰ Unlike the earlier reservation allotments, all of the Osage reservation was divided among the Indians with none left over for white homesteading. Since the preliminary 160-acre selections had been made it was decided to stage three successive drawings to allow confirmation of the tentative homesteads, then choices from the "surplus lands" would be made.²¹

Unfortunately many of the homesteads were located near each other in the eastern half of the reservation. Consequently few Osages were able to select contiguous holdings. Most of the land was suitable only as pasture but the individual parcels were generally too small for ranching. As a result, little of the property acquired by individual Osages in their second and third selections were ever used as the Indian Office hoped. White ranchers and their agents who offered cash to Osages who agreed to make their selections in the heart of the grasslands for leasing purposes. The beginnings of several huge ranching enterprises stemmed from these men's success in first leasing then buying second and third selections.²² Although the homesteads, the first selections, were protected from alienation and exemption from taxation for twenty-five years after allotment, the bulk of the divided reservation rather quickly became the property of non-Indians. The end of homestead restrictions for many Osages in 1921, the imposition of high taxes on agricultural land, and some ethically questionable business tactics resulted in over 80 percent of the allotted land slipping out of Indian hands.²³

Beyond the division of all the reservation land among members of the tribe, the Osage allotment legislation differed from other severalty plans in two unique ways. Thanks to the eagerness of the supporters of statehood to hasten the process, the Osages were able to retain tribal possession of the mineral resources beneath the allotted surface and designate three 160-acre tribal village sites at Pawhuska, Hominy, and Grayhorse. These camps guaranteed living space for any Osage then or in the future. Tribally administered, at first they were used primarily by full bloods who wanted to continue the traditional group living arrangements at least part of the time, especially during warm weather. When the 1930s depression forced many Osages to return to the county seeking aid, some lived in the camps. Since that time there have always been members of the tribe in residence at these sites where they can stay, claiming living

space as long as they wish. The settlements contain many trailer houses and mobile homes as any structures built belong to the tribe after the owner's death.²⁴

It was the provision for a mineral estate, however, that made the Osages famous and was primarily responsible for the visible scarring of the land as well as the less discernible scarring of the people. The first test well was drilled in 1896 by the Phoenix Oil Company whose drillers carefully excavated a depression around the top of a hole and capped it with a large sandstone so "that no damage could ever come of it ..."²⁵ Later drilling operations were handled less carefully with results such as those attending the third well. Agent A.B. Freeman, who inspected the site in 1898, found the ground around the holding tank saturated with oil and a shallow ditch dug by the drilling crew overflowing with oil and salt water, the latter substance found in conjunction with petroleum in most cases in the developing Osage fields.²⁶

Concomitant with the spread of drilling activity were complaints from Osage allottees about pollution and interference by the oil companies in their surface uses of the land. In 1904 John Tayrien, a mixed blood, complained to the Indian Office that "these oil companies act like they own this Osage Country body, soul and breeches."²⁷

Tayrien and his fellow tribesmen bitterly resented timber on their allotments being used to construct derricks and housing for workers: a single well required 5,000 feet of lumber. They also filed suits for damages from leaking pipelines and abandoned wells. Generally these complaints were satisfied in so far as the leakages were brought under control, but the polluted areas were impossible to clean up and the timber impossible to replace. Complaints continued to be filed and damages paid, but the attitude of those responsible for making adjustments--government inspectors--made it quite clear as early as 1914 what the ultimate priority would be: "The Osage Nation has the reputation of being the cleanest oil operating field in the State of Oklahoma, but there are times when it is impossible to control the salt water and oil, and if the Osage Indians are desirous of having this development done, they must take the evil results attendant upon such operations."²⁸

Oil and gas revenues brought the tribe considerable wealth after World War I as the market and thus the price for petroleum rose dramatically. Because of the mineral estate all members of the tribe shared the wealth initially; however, since the allotment roll was closed in 1908, Osages born after that date did not receive anything unless they inherited headrights or parts of headrights from deceased relatives.²⁹

Wealth also drew the exploiters as the Osages became the targets of unscrupulous guardians, lawyers, bankers, suitors (Osage women in particular were sought as mates for white men anxious to gain a part of the oil riches), and business entrepreneurs of all types. During the 1920s, along with the bootleggers and dope peddlers preying on these Indians so ill prepared to handle their money, were ruthless men who murdered related members of the tribe to obtain control of allotment shares inherited by the Osage wife of one conspirator. Agents of the Federal Bureau of Investigation and an aroused Congress combined efforts in an attempt to stop the more violent crimes against the Osages, but only an unlikely change of attitude on the part of the dominant society toward the Indian could have protected the hapless Osages from thoroughgoing exploitation.³⁰

An Osage original allottee, the mixed blood writer and historian John Joseph Mathews, has provided the most moving and penetrating commentary on

Osage life after the discovery of oil, a period he termed "the great frenzy."³¹ Mathews sorrowfully evoked the ethos of the Osages and their land as affected by the oil boom. He described how "slowly from the east the black oil derricks crept toward the west, rising above the blackjacks, like some unnatural growth from the diseased tissues of the earth." And he wrote of the full bloods' "Olympian indifference to money" contrasting with the mixed bloods' partial sophistication that led them to embarrassment over the naivete of the full bloods and uneasiness over their nonparticipation in the actual business of the oil fields, talking of nonexistent deals having "learned long ago to have a purpose and that a practical one, to hide [their] purposelessness."³²

Not all the Osages shared Mathews's dismay over the changes wrought by the oil pumped from beneath their land. They embraced the luxuries made affordable with royalty payments, often taking extended trips to other states, especially Colorado and California. Some never returned, and they and their descendants remained part of the tribal community only tenuously through the receipt of quarterly checks from the Pawhuska agency.

Within the confines of Osage County the tribe is still a cultural group identifiable as uniquely Osage. Nonetheless, serious divisions scar the internal society and politics of these Indians. The 1906 allotment act provided the distribution scheme for the mineral estate income and surface allotments. This measure disinherited future members of the tribe.³³ By 1917 the tribal council had realized this fact and began discussion about remedying the situation. Chief Lookout supported a resolution to include children born after July 1, 1907, the closing date of enrollment, on the annuity roll. Fears that any such opening of the roll might lead to spurious applications of the kind that had plagued the creation of the original enrollment caused the council to hesitate over and finally disapprove the resolution.³⁴

A similar concern for the protection of the mineral estate later contributed to the delay in awarding Osage women full participation in tribal politics. During a 1938 discussion of a petition circulated among the Osages asking the Commissioner of Indian Affairs to alter the council's voting regulations to allow women to vote and hold office, three councilmen spoke against the move, citing the possibility of undue influence on tribal affairs being exercised by white husbands.³⁵

Women were accorded voting rights in 1942 along with all heirs of original allottees, a ruling that the tribe's full bloods accepted only after an agency report revealed that this extension of the franchise would not result in a mixed blood majority that would overwhelm their political power.³⁶ Despite this broadening of the electorate, the tribe still suffered from a serious disenfranchisement of its membership. Since only headrights holders, original allottees or heirs, could vote and hold office, many Osages were excluded from any participation in their own tribal government. The council more resembled a corporate board of directors than a full-fledged government manned as it was with shareholders who were elected by other shareholders to protect the tribe's mineral estate.

This circumstance was the source of extreme bitterness in the 1960s and 1970s when it became increasingly apparent that the majority of the Osages, sometimes entire families, had been left out of the tribe's political life. Making the situation especially galling was the knowledge that the 1906 roll included dozens of highly questionable entries whose heirs could vote and hold office while many biological and cultural Osages were excluded.

Reasoning that the tribal council constituted a business committee created by the 1906 allotment act with the limited charge of approving mineral leases, a group of disaffected Osages organized the Osage Nation Organization. This group hoped to replace the tribal council with a new governmental entity that would act for the general welfare of all Osages rather than just the shareholders in the mineral estate.³⁷

Dissatisfaction and distrust continues to mar tribal life in Osage County. Headright income increased dramatically in the early 1980s as the Arab oil embargo and resulting petroleum shortages led to higher prices making the relatively expensive product of the Osage field competitive and profitable. Nonetheless, it is wealth unevenly distributed within the tribe and divisive of tribal harmony. The old business council still operates much to the chagrin of many Osages who firmly believe that their tribe's cultural integrity has been as irreparably scarred as their land by the uninterrupted flow from the underground reservation.

CHAPTER 7

NOTES

1. Interview with David L. Baldwin by Terry P. Wilson, November 6, 1978, Pawhuska, Oklahoma.
2. An excellent, heavily documented account of this period of Osage history is contained in Gilbert C. Din and Abraham P. Nasatir, *THE IMPERIAL OSAGES: SPANISH-INDIAN DIPLOMACY IN THE MISSISSIPPI VALLEY* (Norman: University of Oklahoma Press, 1983).
3. Signed in 1825, the removal treaty was not accepted by the Arkansas band of Osages who agree to a separate treaty in 1839. The texts of both treaties are in Charles J. Kappler, comp. and ed., *INDIAN AFFAIRS: LAWS AND TREATIES* (Washington: Government Printing Office, 1904), Vol. 2, pp. 217-221, 525-527.
4. For a description of the Osages' part in the Civil War see John Joseph Mathews, *THE OSAGES: CHILDREN OF THE MIDDLE WATERS* (Norman: University of Oklahoma Press, 1961), pp. 619-41. The text of the Confederate treaty with the tribe is in United States Department of War, *THE WAR OF REBELLION: A COMPILATION OF THE OFFICIAL RECORDS OF THE UNION AND CONFEDERATE ARMIES* (Washington: Government Printing Office, 1880-1901), Series IV, Vol. 1, pp. 636-46.
5. Kappler, *LAWS AND TREATIES*, Vol. 2, pp. 878-83.
6. Mathews, *THE OSAGES*, pp. 689-92; Berlin B. Chapman, "Removal of the Osages from Kansas," *KANSAS HISTORICAL QUARTERLY*, Vol. 7, (August, 1938), pp. 287-92. The fullest discussion of the background of removal from Kansas is in David Parsons, "The Removal of the Osages from Kansas," Unpublished Ph.D. dissertation, Norman, Oklahoma, 1940.
7. "Protests of the Osage Nation of Indians," December 7, 1874, To the Honorable Committee on Territories of the House of Representatives from the Osage Nation, January 25, 1888, *LETTERS RECEIVED* (Miscellaneous), Records of the Osage Indian Agency, Federal Archives and Records Center, Fort Worth, Texas (Hereinafter collection cited as OIA, FARC).
8. The best description of the reservation's physical characteristics and utility as farming and ranching territory is in Robert Meredith Burrill, "Grasslands Empires: The Geography of Ranching in Osage County, Oklahoma, 1872-1965," Unpublished Ph.D. dissertation, University of Kansas, 1970, pp. 19-23.
9. *ANNUAL REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS TO THE SECRETARY OF THE INTERIOR* for 1872, p. 242, (Hereinafter cited as *REPORT, COMMISSIONER OF INDIAN AFFAIRS*).
10. *REPORT, COMMISSIONER OF INDIAN AFFAIRS*, 1872, p. 246; 1875, pp. 277-80.
11. William Pollock to Dwight Braman, August 7, 1899, *LETTERS SENT* (Misc), OIA, FARC.

12. REPORT, COMMISSIONER OF INDIAN AFFAIRS, 1884, p. 82; The Arkansas City Traveler, Kansas, July 1, 1884.
13. REPORT, COMMISSIONER OF INDIAN AFFAIRS, 1879, p. 70; 1880, pp. xxxiii, 77, The Indian Herald, Osage Agency, Indian Territory, January 27, 1877.
14. Acting Commissioner of Indian Affairs to Laban J. Miles, July 22, 1880, E.S. Stevens to Miles, May 26, 1882, LR (Misc), Miles to Hiram Price, December 4, 1882, December 4, 1883, LETTERS SENT, Indian Office, OIA, FARC; REPORT, COMMISSIONER OFFICE INDIAN AFFAIRS, 1884, p. 83.
15. The Tribe's arguments against the allotment act appeared in a petition forwarded to Washington by Agent Miles in 1884. Miles to Price, May 10, 1884, LS, IO, OIA, FARC.
16. Arrell M. Gibson, OKLAHOMA: A HISTORY OF FIVE CENTURIES (Norman, Oklahoma: Harlow Publishing Corporation, 1965), pp. 295-96, 303-04.
17. The Osage Journal, Pawhuska, Oklahoma, December 10, 1905.
18. The Osage Journal, February 3, 1906.
19. REPORT, COMMISSIONER OF INDIAN AFFAIRS, 1903, p. 271.
20. William A. Jones to O.A. Mitscher, February 25, 1901, January 16, 1902, LR (Misc), Mitscher to the Commissioner of Indian Affairs, May 5, 1902, LS, IO, OIA, FARC.
21. Ralph A. Barney, LAWS RELATING TO THE OSAGE TRIBE OF INDIANS (Pawhuska, Oklahoma: The Osage Printery, 1929), pp. 41-45.
22. Francis Leupp to Charles E. McChesney, March 4, 1907, McChesney to Private Locators, August 13, 1908, RECORDS OF THE OSAGE ALLOTING COMMISSION, LR, OIA, FARC.
23. Barney, LAWS RELATING TO THE OSAGE TRIBE, pp. 41-51; Burrill, "Grasslands Empire," pp. 118-30.
24. IBID., pp. 45-47.
25. ARGUMENT AND PETITION FOR REMOVAL OF OIL AND GAS LEASES IN THE OSAGE NATION, OKLAHOMA, p. 13, LEASE RECORDS, James A. Glenn to H. B. Freeman, July 16, 1896, LR (Misc), OIA, FARC.
26. Freeman to the Commissioner of Indian Affairs, April 7, 1898, LS (Misc), OIA, FARC.
27. O.B. Clevenger for John Tayrien to the Commissioner of Indian Affairs, September 27, 1904, LR (Misc), OIA, FARC.

28. Osage Council Proceedings, September 7, 1904, J. George Wright to the Commissioner of Indian Affairs, July 27, 1909, Hugh Pitzer to the Commissioner of Indian Affairs, October 7, 1910, LS, IO, Indian Territory Illuminating Oil Company to O.A. Mitscher, September 7, 1903, LR (Misc), OIA, FARC.
29. Barney, LAWS RELATING TO THE OSAGE TRIBE, pp. 41-51; HEARINGS ON S. 1456 AND S. 3234, U.S. Senate Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, 92d Cong., 2d sess., "Osage Nation of Indians Judgement Funds," (March 28, 1972), pp. 49, passim.
30. For a more detailed discussion of the pattern of Osage exploitation, see Terry P. Wilson, "Osage Indian Women During a Century of Change, 1870-1980," PROLOGUE: JOURNAL OF THE NATIONAL ARCHIVES, Vol. 14, (Winter, 1982), pp. 185-201.
31. Mathews, THE OSAGES, pp. 771-84.
32. Mathews, SUNDOWN (New York: Longmans, Green and Company, 1934), pp. 49-50, 62.
33. Barney, LAWS RELATING TO THE OSAGE TRIBE, pp. 41-51.
34. Council Proceedings, December 21, 1917, OIA, FARC.
35. Council Proceedings, March 7, 1938, OIA, FARC.
36. Theodore Hall to the Commissioner of Indian Affairs, June 10, 1942, LS, IO, FARC.
37. Interview with Leroy Logan by Terry P. Wilson, November 13, 1978, Hominy Indian Village, Oklahoma.

"Steel Tracks Crossing Indian Lands"

The climax of railroads in the West occurred with the completion of the transcontinental meeting of the Central Pacific Railroad from Sacramento (742 miles at 32,000 dollars per mile between the Rockies and Sierras) and the Union Pacific Railroad from Omaha (1,038 miles) at Promontory Point, near Ogden, Utah in 1869. The railroad industry helped at least twelve territories to become states between 1867 and 1912. Within the following years, four more transcontinental railroads were built across an estimated one and a half million square miles.

Railroad construction required large amounts of land, including adjacent lands whose timber furnished wood for ties and trestles. Gilbert Ortiz describes the erroneous surveys and seizing of land from the Acoma Pueblo for railroad construction in the Southwest. His essay illustrates the fact that railroad development met Indian resistance throughout the west. In 1877 the construction of the South Pacific was held up by the Yuma Indian Reservation in Arizona until an executive order authorized construction. After the first land grant made to railroads in 1850, grants totaled more than one-hundred and seventy million acres for at least eighty railroads. In 1880 Indian lands totaled some 241 million acres. Nearly one-half of the proposed railroads were never built or were completed too late to earn grants.

The railways brought settlers, miners and farmers in large numbers to the West. Among these people, hired professional hunters could earn up to 100 dollars per day for killing buffalos, which once numbered about 60 million. Cattle and cowtowns quickly became a part of the westward development, crossing Indians lands. Cowtowns included Newton and Dodge City on the Santa Fe, Ellis on the Kansas Pacific, and Oglala on the Union Pacific in Nebraska. In 1871, approximately 600,000 head of cattle was received at Abilene, Kansas.

From the distance, the Indians observed white settlements, mining camps, and then towns, all enhanced by the railroads. And in the process, the buffalo and other wildlife were disappearing while the west was rapidly changing.

CHAPTER 8

ACOMA PUEBLO LANDS AND RAILROADS IN THE SOUTHWEST Suum quacque in annum referre, "refer everything to its own year."¹

Gilbert Ortiz

Following the Civil War, the construction of western railroads began rapidly increasing in the last half of the nineteenth century. Land speculators found large profits in railroads crossing or coming near their property. For the people of Acoma Pueblo, however, a travesty occurred when their land lay directly on the 35th parallel. Acoma was in the direct path of the second planned transcontinental railroad that would run from Fort Smith, Arkansas through the southwest to Los Angeles, California. The fate of the Acomas was sealed when they involuntarily surrendered their lands in the name of American "progress."

The legal battles fought by Acoma pueblo and the clarification of their legal rights in conjunction to railroad development is the focus of this essay. Generally railroads built on Indian lands have largely been ignored by scholars who prefer to glorify the Indian past by writing about blood spilled on the battlefield in the nineteenth century. Although Indian lands remained to be the central issue with railroad development, the legalities, and jurisdictional repercussions have opposed Native Americans and allowed their lands to fall into the hands of white men.

The jurisdictional system, based on European concepts of land, became a means for seizing Indian lands. Since the earliest contact of Indian-white relations, laws pertaining to land were largely approved to meet non-Indian needs while de-emphasizing the Indians' natural rights. The European concept of land holding recognized the natural rights of man, but land could be "lawfully" taken by force and by legal agreements called treaties. As a result, Indian people became classified as first "occupants" of their homelands. American superiority became the moral justification in obtaining Indian lands and this was true in the case of the Acoma.

Centuries ago old Acoma village rested in the center of Acoma Province. However, an erroneous survey in the nineteenth century placed Acoma village on the southern edge of the Acoma Pueblo Grant. This error resulted from a misinterpretation of a spurious Spanish land grant, thereby making the land adjacent to the village a part of the public domain. One mistake led to another when the United States government disregarded Acoma's aboriginal title to these lands, without ever "legally" extinguishing Indian title, and then "granted" them to the Atlantic and Pacific Railroad Company.

The easiest routes of travel between the Rio Grande Pueblos had been developed by the Indians as early as the fourteenth century, three hundred years before Spanish intrusion. When Coronado explored Pueblo Indian lands in 1540-41, his expedition used well-marked trails as he was led by Indian guides from Zuni to Acoma and on to the northern Pueblos.² Later Spanish arrivals like Juan de Onate also used the same routes in the 1600s when they settled Acoma lands. It was left to nineteenth-century government explorers to "rediscover" the established, sophisticated network used by the Pueblo Indians.

For a brief period, the Indians held documents to their lands. Their documents of the 1689 Acoma Grant would have contested the lands granted to the railroad company by the United States in the 1800s. Too, just how many of

the Pueblos could have kept their papers together for so long? Many important documents were probably destroyed and lost by the time they were asked to produce them. Even if grant documents had existed, at Acoma's insistence, they were likely to have been lost in the yearly change of Pueblo leaders, known as governors. In spite of all this, Acoma and ten other Pueblos produced Spanish land grant papers, but they proved to be fraudulent.

Eleven of the Indian Pueblos in New Mexico possessed false papers, known as the "Cruzate" land grant documents. Claimed to have been issued by Governor Domingo Jironza Petriz de Cruzate in 1689, the papers are believed to be false documents. The error remained undiscovered until Will M. Tipton made an investigation for the Court of Private Land Claims in the 1890s. To prove that the documents were fraudulent, he made several salient points: Laguna, mentioned in both the Acoma and Laguna Pueblo grant documents, did not exist in 1689. Cubero mountain named in the Acoma papers could not have had this designation in 1689, because Governor Pedro Rodrigues Cubero did not visit the region until ten years later. The signature of the governor differs clearly from the real signatures of Governor Jironza Cruzate. The attesting secretary is unknown except for these particular documents. And parts of Santo Domingo Pueblo's land grant papers were taken from a book written in 1832.³

The fraudulent papers provokes the question, "Did official Pueblo grant papers exist before the Pueblo Revolt in 1680?" The answer is that no documents prior to the pre-revolutionary land grant for the Pueblos have ever been found.⁴ Furthermore, research by Surveyor General William Pelham of the territorial archives found no Pueblo documents dated pre-1680. In addition, a disposition filed by Don Donaciano Vigil, Secretary of the Territory of New Mexico and in charge of the territorial archives, claimed "... there were no title-deeds of grants made to the Indian Pueblos of New Mexico in the archives under his charge from that date up to the present time," or between 1850-1856.⁵

Vigil's statement was contested by David Merriwether, Governor and Superintendent of Indian Affairs of New Mexico in 1854, who reviewed a pre-1680 Pueblo grant document. Writing about the Pueblos in his annual report to the Commissioner of Indian Affairs, he stated, "They hold their lands under special grants from the governments of Spain and Mexico, many of which are of very ancient dates--one that I examined being dated in 1661."⁶ Albeit, the Pueblo people tried to protect their homelands. The Indians possessed papers identifying some of their lands until they submitted them to the Surveyor General.

After the United States signed the Treaty of Guadalupe Hidalgo with Mexico in 1848, the extent of lands for the Acoma and other Spanish land grant claimants had to be determined by the federal government. Furthermore, the new government pledged to protect the property rights of the Mexican and Indian citizens. Article VIII of the treaty promised that "... property of every kind ... shall be inviolably respected." In addition, Article IX stated that present citizens would "... be protected in the free enjoyment of their liberty and property."⁷ To fulfill these provisions, the federal government established the United States Surveyor-General's office for New Mexico in 1854.

The Pueblo Indians had established and used sophisticated road systems hundreds of years before the arrival of Anglo-Americans. These routes were re-discovered by government surveyors in the nineteenth century. In 1853 Lieutenant Amiel Weeks Whipple arrived in New Mexico to seek a feasible railway route to the Pacific Ocean.⁸ He was a latecomer to the area and

followed the paths of earlier American explorers such as Lieutenant James William Abert in 1846⁹ and James H. Simpson, who marched west in 1849 through the Rio San Jose Valley with his Corps of Topographical Engineers.¹⁰ These men made use of ancient routes established by the Pueblo Indians.

In his notes of 1853, Lieutenant Whipple described the area while traveling from Laguna Pueblo through Cubero by Mount Taylor to Zuni Pueblo.¹¹ Moving west along the general course of the San Jose River, the company retraced Indian trails and traveled on a rather "smooth road." Along the trails, he observed irrigated fields. On November 14, Whipple wrote in his diary that "most of the valley was cultivated by Pueblo Indians." Almost three centuries earlier in 1583, Spaniard Antonio de Espejo, had viewed farms along the same river.¹² The Indians' development of the land had impressed both men, especially the latter. Whipple's company stopped at Hay Camp, named for its abundance of gramma grass which supplied feed for horses at the army's outpost. The road came to a fork above Hay Camp, one branch going to Zuni and the other passing by Ojo del Oso (Bear Springs, near present-day Gallup, New Mexico) to Fort Defiance.¹³ One party led by Lieutenant Jones and a Mr. Campbell traveled the road to Fort Defiance by way of Ojo Azul (Bluewater) and then continued to Rio Puerco of the west, a route reported to be favorable for a railroad.¹⁴

In actuality, Lieutenant Whipple merely confirmed that from Rio Puerco of the west to Isleta on the Rio Grande was the most practical route for a railroad.¹⁵ The 35th parallel route followed the easy uplifting terrain of the Rio San Jose and Rio Puerco Valleys, from Isleta to Grants, through Campbell's Pass, into Gallup and on to the west Rio Puerco. An accurate cost for constructing a railroad was badly mistaken when Whipple estimated that it cost 169,210,265 dollars to build the 35th parallel route. Congress immediately dismissed this route only to learn that Whipple had made a mathematical error of 75 million dollars. A corrected estimate allowed further consideration for constructing the railroad.

The main office, Surveyor General for all states and territories that was created by an Act of Congress on July 22, 1854, (10 Stat. 308), supervised the railroad construction.¹⁶ Provisions of the law that were relevant to Pueblo Indian lands included sections 2 through 8. Lands for actual settlers residing there were available under sections 2, 3, and 4. Sections 5 and 6 set aside lands, (numbered 16 and 36), for schools and university purposes. The crucial provision was in section 8 that ordered a study of land claims originating under Spanish and Mexican laws before the Treaty of Guadalupe Hidalgo.

On August 21, 1854, newly appointed Surveyor General William H. Pelham received detailed instructions from John Wilson of the General Land Office on how to perform his duties and fulfill government obligations listed in the Act of 1854.¹⁷ The Surveyor General was instructed to "... ascertain the origin, nature, character, and extent of all claims to land under the laws, usages, and customs of Spain and Mexico." This meant reviewing land laws and pertinent policies of the prior governments of the area. The findings were to be compiled in a report on all pueblos, other Indians and non-Indians, describing "their titles to the land." The Surveyor General would then present the report to Congress, "for such action thereon as may be deemed just and proper, with a view to confirm bona fide (sic) grants." Until a decision from Congress, all lands were to "be reserved from sale or other disposal of the government, and shall not be subject to the donations granted by the revisions of this act." Here, the General Land Office was only reiterating section 8 of the Act of 1854, (10 Stat. 308), which

prohibited federal land transfers, until the extent of Spanish, Mexican and Indian land claimants were known. Finally in studying the land grants for authenticity, the Surveyor General was ordered to request pertinent land documents from all claimants in the territory. Afterwards, he was required to provide public notices "... in a newspaper of the largest circulation in the English and Spanish languages."¹⁸ Thus, it was the responsibility of the federal government to survey all lands and confirm their rightful owners. All unconfirmed lands from that date forward was considered as public domain land.

Protection of Acoma property rights and those of other Indian Pueblos was stipulated under the Act of 1854. The law stated that it was the responsibility of the General Land Office and the Surveyor General. The entire process of confirmation and survey of Acoma land was never completed promptly nor justly. In the process, the Pueblo Indians were asked to participate which required literacy in Spanish and/or English. This imposed extreme hardships on the Indians since they did not understand the new laws or the complicated procedure for registering and surveying land titles under the laws of the United States.

It seemed to the Acoma that The federal government had developed a system of federal land grants to absorb Indian lands. During the second half of the nineteenth century, numerous federal land grants were made to effect a network of railroads throughout the West. Actually the granting of land violated the Act of 1854 which prevented federal disposal of land that the United States did not legally own. Furthermore, granting the lands violated a law passed on December 22, 1858, because Congress had confirmed earlier that the lands did not belong to the government. Finally, the inaccurate government surveys of the Acoma Pueblo Grant ensured the railroad's claim to those lands that it had mistakenly received.

Federal officials also failed to know the extent of lands that had been confirmed. Fortunately for the Indians, the confirmation statute noted that the lands described in the Pueblo claims were not public domain and could not be disposed of under the public land laws of the United States. At this point, the Pueblo Indians held lawful claims recognized by federal law. After 1854 Pueblo Indian land could not legally be granted away by the federal government. Pueblo lands were therefore reserved lands, based on aboriginal rights granted by the Spanish and Mexican governments, and confirmed by the United States.

In 1855-56 the Pueblos were asked to submit the land grant documents in their possession. Surveyor General Pelham issued a notice on January 18, 1855, to "The Inhabitants of New Mexico" relative to the filing of their claims with his office.¹⁹ Their papers were to be sent to Santa Fe for the Surveyor General to inspect, but some Pueblos did not want to do this for fear of losing them. In 1856 the Commissioner of the General Land Office reported that the Pueblo Indians were reluctant to produce their papers, "in the apprehension they would never again get possession of them."²⁰

Surveyor General William Pelham received Acoma's grant papers, and his assistant, David V. Whiting, translated them on May 10, 1856.²¹ Dated September 20, 1689 at El Paso, the part describing Acoma's boundaries stated "that the Prieto mountain is to the north, and that the Galo (sic) spring is to the west, and that the Cubero mountain is opposite the old pueblo of Acoma, and that the Penol is on the south side."²² In Spanish it is written "que el cerro Prieto queda al norte, y que el ojo de Agua del Gallo queda el poniente, y que el cerro de Cuero queda enfrente del Pueblo Viejo de Acoma, y que el Penol esta al lado del sur."²³ The descriptions of actual physical locations existing on Acoma lands were in these papers. David Whiting did the translation

correctly, except that "Cuero" was interpreted by him to be "Cubero." (In the end, the deputy surveyors in their field work during 1876 and 1877 made their own interpretations of the boundaries from the document.)

On September 30, 1856, the Surveyor General completed his examination of the grant papers, and filed his report with recommendations.²⁴ Acoma and twelve other Pueblos were recommended for confirmation of their granted lands. Surveyor General Pelham wanted immediate confirmation because Mexican citizens were constantly encroaching on Pueblo lands. About the same time of Pelham's report, Governor Merriwether submitted his annual report to the Commissioner of Indian Affairs, suggesting also that there be prompt confirmation of the Pueblo titles.²⁵ In addition, the Surveyor General recommended that funds be appropriated to survey the Pueblo lands. He advised that 30,000 dollars be appropriated to survey the private land claims and Pueblo grants.²⁶ Congress later appropriated 3,750 dollars for this purpose under legislation passed on March 3, 1857.²⁷

Based upon the Surveyor General's recommendations, Congress confirmed the lands belonging to the Pueblo of Acoma, including sixteen other Pueblos, according to the Act of December 22, 1858, (11 Stat. 374).²⁸ The Act mandated that the Commissioner of the General Land Office supply necessary instructions for the survey of all land claims that were confirmed. Thereafter, patents were to be issued. Finally, it was stated that this action meant a relinquishment of all title and claims by the United States government to those lands.

The next official steps were the surveys and the issuance of patents. On June 10, 1859, Surveyor General Pelham entered into a contract with John W. Garretson, for surveying the Pueblo Grants that were recognized in 1858. All of the other sixteen Pueblos who had their lands confirmed, were contracted to be surveyed, but Acoma was excluded. Eighteen years would pass before its federal survey occurred.²⁹ Unfortunately, before then, lands previously confirmed to Acoma, and thus reserved from disposal by the federal government, were "granted" to the Atlantic and Pacific Railroad. Obviously the federal government viewed that the nation's interest in a trans-continental railroad through the southwest outweighed the land rights of the Acoma. President Abraham Lincoln confirmed this position when he signed the Railroad Act of 1862 which promised free land and federal loans to railroads under construction. In return the railroads agreed to such arrangements as transporting mail, government supplies and troops at low rates.

Under an act passed on July 27, 1866, (14 Stat. 292), the Atlantic and Pacific Railroad was incorporated.³⁰ The new company proposed to construct the railway along the 35th parallel from Missouri to the Pacific Coast. To assist the Atlantic and Pacific in building such a costly project, the federal government promised to award land grants upon the successful completion of durable railroad tracks. These lands consisting of alternate sections to be granted were to come from the public domain.

Important provisions of the law which authorized the grants affecting Indians lands were sections 2, 3, 6, and 17. Section 2 granted the railroad two-hundred feet of land from the public domain for its right of way and one-hundred feet on each side of its railway track. Crossing Indian land, the federal government was to extinguish Indian title "as rapidly as may be consistent with public policy and the welfare of the Indians, and only by their voluntary cession".³¹ Section 3 awarded the land grants to the Atlantic and Pacific Railroad and its successors. The law granted twenty alternate and odd numbered sections per mile of land that the government had "full title, not

reserved, sold, granted, or otherwise appropriated." The law also provided the railroad with an indemnity strip of an additional ten miles in case it had to choose other land sections, if other lands within the twenty-mile place strips were already occupied. Section 6 required the United States to survey forty miles on both sides of the railroad, after the company had determined the general route. Furthermore, the odd sections granted to the railroad were preempted from sale or entry. Section 17 required federal approval for any Indian grant, donation, or assistance, to the railroad company.

Under this land-grant statute, Pueblo and Indian lands were to be protected. Since Pueblo lands were not considered public domain and were reserved lands, they could not be "granted" to the Atlantic and Pacific Railroad. Indian title could be extinguished, however, but only by the federal government and with consent of the Indians.

The critical problem for the Indians and federal government was the exact location of boundaries. Furthermore, without surveys to clarify land ownership, the federal government considered all questionable lands in the New Mexico Territory as public domain until surveys were completed.³² Hence, the United States government assumed and considered all lands, not specifically confirmed and patented, as part of the public domain. Because Acoma lands still had not been marked off, much of its legally confirmed lands were erroneously included as public land and authorized as railroad grants.

Finally, the federal government decided to survey the Acomas' land. Difficulties arose because squatters who had illegally settled around Gallo Spring. Under the circumstances, Acoma lost this area because of an incorrect survey. Furthermore, Acoma people were blamed and penalized for the errors. (John M. Gunn wrote in 1917 that the Acomas were bribed by the settlers to tell the surveyors their boundary was to the east at another spring.³³ Indian Agent Ben M. Thomas knew of this wrongdoing, however, and was well aware that the area belonged to Acoma.³⁴ On August 17, 1876, he wrote to Walter G. Marmon and John Menaull, non-Indians residing at Laguna Pueblo, to assist in the Acoma survey.³⁵ The call points he used were taken from the Acoma Grant description. In the letter, he suggested that Acoma men be involved, not for confirming or pointing out their landmarks as they knew them, but so they could know what their boundaries were when the survey was completed.

During the survey, Gallo Spring at San Rafael was correctly marked, but a serious error was committed when the home of the Pueblo on the Acoma mesa was completely left out. A prominent rock formation called La Vieja that lay directly south of Gallo Spring, was established as the southern boundary call. From this reference point, a measurement was made directly back to the point of beginning at the Cubero mountain, resulting in a triangular area. This left out not only the Acoma village, but also the southern Penol boundary call. This survey was completed by Deputy Surveyors McBroom and McElroy from August 31 to September 12, 1876.³⁶

A new survey was made in the following year. In the meantime, Governor Jose Berrendo of Acoma complained to the Indian Agent about the survey errors. Ben Thomas responded on February 20, 1877, blaming Acoma for causing the difficulties. He wrote, "you have only yourselves to blame for the great trouble and uncertainty which has followed; for, by your lies told either at the time of the survey, or at the investigation at San Rafael in December last, you have made a new survey necessary." Scolding the governor of Acoma, he warned that a smaller grant would ensue as he stated, a "new survey, it is expected, will be

made before many months and by it your grant will certainly be very much smaller than it was according to the survey of last summer."³⁷

Within a few weeks a new survey was accomplished by Sawyer and McElroy.³⁸ All the call points named in the Acoma Grant papers were used, but two additional errors were committed. First, the western boundary was moved about five miles inward and east to the "new" Gallo Spring. Second, the Penol location was interpreted erroneously and placed incorrectly. Old Acoma village on the rock formation became the southern Penol call point. The ensuing dispossession that the survey caused was due to the Sawyer and McElroy interpretation that the Acoma mesa and the Penol were one and the same.

The later survey was quickly approved by Surveyor General Henry M. Atkinson during the first week in June.³⁹ Agent Thomas, who was aware of the improper surveys, recommended a patent be issued. He wrote to Commissioner of Indian Affairs John Q. Smith on July 9, 1877. "While I am firmly of the opinion that the Acoma Indians would be defrauded of a valuable portion [of] their Grant ... I nevertheless recommend that the survey be approved as it is ..." Then, he angrily accused Acoma for the problems. "The Acoma have only themselves to blame for the loss ... because they falsely swore it away for a consideration."⁴⁰ On August 21, the Commissioner of Indian Affairs recommended approval, even though he knew about the improper surveys. Commissioner J.B. Smith wrote the Secretary of Interior, attaching the June 9th letter of Agent Thomas, "urging the speedy approval of, and issue of patent upon, said survey, as the best and most practical solution of said difficulties."⁴¹ Official recommendations of the improper surveys were made by the proper officials, in order to resolve the Acoma land controversy. The irony of all the survey errors culminated when President Rutherford B. Hayes signed the Acoma patent into law on November 19, 1877.

The problems with Acoma were part of a series of difficulties for the Atlantic and Pacific Railroad. In the early years of construction the railroad faced difficulties in trying to acquire other Indian lands, and the company experienced financial problems. The Atlantic and Pacific reached Vinita, Indian Territory, in 1872 and construction was halted by angry Indians who were upset at the possibility of additional land losses. The Cherokee and Creek Indians, who were certainly experienced in having their lands dispossessed by the federal government, prevented the railroad from acquiring a land grant through Indian Territory.⁴² To avoid this confrontation, the company considered available lands (reportedly) in the New Mexico and Arizona Territories that proved easier to obtain. In the meantime, the company faced greater financial problems causing it to eventually lose all its holdings to the St. Louis and San Francisco Railroad with additional losses to the Atchison, Topeka and Santa Fe Railroad. The Atlantic and Pacific was saved once in 1876 by the St. Louis and San Francisco Railroad, and then again through a tripartite agreement in 1880 with the St. Louis and San Francisco Railroad and the Atchison, Topeka and Santa Fe Railroad. According to this agreement, the Atlantic and Pacific was still to construct the line from Isleta Pueblo to Needles, California.⁴³ It proceeded to do so immediately.

Construction started on the east side of the Rio Grande, near Isleta in August of 1880. The railway passed across the Laguna Grant and then through the Acoma Grant during December, and by early 1881 almost one hundred miles of track was laid.⁴⁴ In spite of the survey errors, very little difficulties were encountered and even the local Pueblo Indians helped in the construction. The Atlantic and Pacific Railroad faced no serious challenges like it had in the

Indian Territory. After all, who was to help the Pueblo Indians who were not educated in American law and politics when even their own Indian agent blamed them for their troubles? (Ben M. Thomas was still the Pueblo Indian Agent when construction began.)

When Agent Thomas submitted his annual report on September 1, 1880, he wrote that the Atlantic and Pacific was negotiating with the three Pueblos affected as construction proceeded. He reported there had been "some misunderstanding and trouble."⁴⁵ Actually, the most difficulty the Atlantic and Pacific encountered was when it built across Pueblo lands at Isleta. At night, the Isleta Indians tore up completed tracks which had to be rebuilt during the day. The destruction continued until the Indians were persuaded to stop by Father Dourche, their local priest at Isleta Mission.⁴⁶

The most serious problem the company faced with the Acoma land grant was the terrain. The lava beds and malpais rock caused the railway to be constructed farther north of the lava formation. This condition is intriguing because there was no negotiation record at Acoma of the Atlantic and Pacific seeking right of way across Pueblo lands. Nevertheless, a deed dated December 28, 1880, surfaced in the records of Valencia County on February 4, 1881, indicating that Acoma had agreed to provide a right of way across their land.⁴⁷

Overall the Atlantic and Pacific built the railroad rapidly and smoothly across Pueblo lands. The passage of the railroad through Acoma lands in 1880 was almost anticlimactic. Acoma had already lost vast amounts of land to the north and south of the tracks as a result of the Railroad Act passed in 1866. These events, it should be noted, were sustained by the incorrect surveys. Moreover, the federal government had promised away Acoma's aboriginal and congressional confirmed lands to the Atlantic and Pacific Railroad after the company had set its route and filed its maps of definite location in 1872. To receive its land grant, all the Atlantic and Pacific had to accomplish was to construct acceptable railroad tracks. Even though this was a task in itself, the railroad was assured of no land problem. If an Indian title presented a problem, the federal government set out to extinguish it, even by obtaining Indian consent. If the government failed to acquire consent, it felt uncompelled to obtain permission because it assumed no Acoma title of the lands existed. The government simply affirmed this view by the final survey and patent.

Reviewing the entire situation, it is clear that Acoma lost land due to actions and inactions of the United States government. The federal government's policy was to fulfill its treaty obligation; thus it established the Surveyor General Office to investigate land claims. Legitimate claims were confirmed by Congress. To complete its entire treaty obligation, patents were to be issued; which could only come after the surveying. This procedure took far too long for Acoma and even when finally completed, it was not accurate. In spite of the multiple blunders, no legal actions were taken to correct the error. The United States erroneously granted Acoma lands to the Atlantic and Pacific Railroad.

Since this debacle the present lands of Acoma are considered an Indian reservation. The United States holds superior title to these lands, but allows Acoma tenuous occupancy rights under various federal laws. Checkerboarded all across the reservation today are the subsurface rights of the New Mexico and Arizona Land Company, an offspring of the St. Louis and San Francisco Railroad. The federal government subsidized railroad companies like the St. Louis and San Francisco with grants of land on each side of the tracks to be

laid. Actually the railroad company could use the land for its natural resources and market value.

The nature of an imposed federal title on immemorially, occupied land is now even more confusing for the Acoma people. Once a simple claim of sole possessory Acoma rights, recognized by prior governments, the situation has been replaced by restrictive legal definitions which only accord occupancy rights. The total land grant experience remains inconceivable to Acoma people who have lived there from time immemorial. Many Acomas wonder how land which is still at the heart of their homeland cannot be theirs? Such a case of confusion attests to the plenary power and errors in federal law. A statement by Alpheus Henry Snow appropriately applies here. "No well-founded legal doctrine readily becomes an 'ingenious juridical means' by which an act recognized to be morally wrong becomes legally rightful."⁴⁸ Such a paradox is the case in the Southwest involving the Acoma Pueblo lands. The government admits no injustice committed here because it has justified its own wrong actions by making laws. In the nation's best interest, the Atlantic and Pacific Railroad was the second transcontinental railroad, passing through New Mexico across Indian land. During the summer of 1878, the Atchinson, Topeka and Santa Fe Railroad completed its transcontinental construction. Injustice was committed "legally" by the United States through its erroneous surveys and abuse of congressional plenary power, while the Acoma suffered the lost of land.

CHAPTER 8

NOTES

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2. George P. Hammond and Agapito Rey, NARRATIVES OF THE CORONADO EXPEDITION, 1540-1542 (Albuquerque: University of New Mexico Press, 1940), p. 222.
3. Robert L. Rands, "Laguna Land Utilization: An Ethnohistorical Report," PUEBLO INDIANS IV (New York: Garland Publishing Inc., 1974), p. 360.
4. Myra Ellen Jenkins, "Spanish Land Grants In The Tewa Area," NEW MEXICO HISTORICAL REVIEW, Vol. 47, No. 2, (April, 1972), p. 114.
5. Ralph Emerson Twitchell, THE SPANISH ARCHIVES OF NEW MEXICO (CEDAR RAPIDS: THE TORCH PRESS, 1914), Vol. 1, p. 455.
6. REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS, REPORT OF THE SECRETARY OF THE INTERIOR, 33d Cong., 2d sess., Sen. Ex. Doc. No. 1, p. 381.
7. "Treaty of Peace, Friendship, Limits, and Settlement with the Republic of Mexico," February 2, 1848, 9 Stat. 922.
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9. A REPORT AND MAP OF THE EXAMINATION OF NEW MEXICO by Lieutenant. J. W. Abert, Topographical Corps, 30th Cong., 1st sess., Sen. Ex. Doc. No. 23.
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11. REPORTS OF EXPLORATIONS AND SURVEYS, p. 61.
12. George P. Hammond and Agapito Rey, eds., EXPEDITION INTO NEW MEXICO MADE BY ANTONIO DE ESPEJO, 1582-83 (Los Angeles: The Quivira Society, 1929), p. 87.
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14. IBID., p. 68.
15. IBID., p. 74.

16. An Act to establish the offices of Surveyor-General of New Mexico, Kansas, and Nebraska, to grant Donations to actual Settlers therein, and for other purposes, July 22, 1854, 10 Stat. 308, Chap. 103.
17. Instructions to the Surveyor General of New Mexico, REPORT OF THE SECRETARY OF THE INTERIOR, 33d Cong., 2d sess., Sen. Ex. Doc. No. 1, p. 87.
18. IBID., p. 90.
19. Ralph Emerson Twitchell, THE LEADING FACTS OF NEW MEXICO (Cedar Rapids: The Torch Press, 1912), Vol. 2, p. 459.
20. Report of the Commissioner of the General Land Office, REPORT OF THE SECRETARY OF THE INTERIOR, 33d Cong., 3d sess., Sen. Ex. Doc. No. 5, p. 209.
21. ANNUAL REPORT OF THE SURVEYOR GENERAL OF NEW MEXICO, REPORT OF THE SECRETARY OF THE INTERIOR, 33d Cong., 3d sess., Sen. Ex. Doc. No. 5, p. 498.
22. IBID., p. 498.
23. IBID., p. 496.
24. ANNUAL REPORT OF THE SURVEYOR GENERAL OF NEW MEXICO, REPORT OF THE SECRETARY OF THE INTERIOR, 34th Cong., 3d sess., Sen. Ex. Doc. No. 5, p. 411.
25. REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS, in REPORT OF THE SECRETARY OF THE INTERIOR, 34th Cong., 3d sess., Sen. Ex. Doc. No. 5, p. 734.
26. ANNUAL REPORT OF THE SURVEYOR GENERAL OF NEW MEXICO, in REPORT OF THE SECRETARY OF THE INTERIOR, 34th Cong., 3d sess., Sen. Ex. Doc. No. 5, p. 525,
27. An Act making Appropriations for the Current and Contingent Expenses of the Indian Department and for fulfilling Treaty Stipulations with various Indian Tribes, for the Year ending June 30, 1858, March 3, 1857, 11 Stat. 169, 184, Chap. 90.
28. An Act to confirm the Land Claim of certain Pueblos and Towns in the Territory of New Mexico, December 22, 1858, 11 Stat. 374, Chap. 5.
29. Contract No. 18, John W. Garretson, June 10, 1859, Southern Pueblos Agency Archives, Albuquerque, New Mexico.
30. An Act granting Lands to aid in the Construction of a Railroad and Telegraph Line from the States of Missouri and Arkansas to the Pacific Coast, July 22, 1866, 14 Stat. 292, Chap. 278.

31. IBID., sec. 2, p. 294.

32. Thomas Donaldson, THE PUBLIC DOMAIN (New York: Johnson Reprint Corp., 1970), p. 453.

33. John M. Gunn, SCHAT-CHEN: HISTORY, TRADITIONS AND NARRATIVES OF THE QUERES INDIANS OF LAGUNA AND ACOMA (Albuquerque: Albright & Anderson, 1917), p. 98.

34. REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS, in ANNUAL REPORT OF THE SECRETARY OF THE INTERIOR, 45th Cong., 2d sess., House Ex. Doc. No. 1, p. 557.

35. Benjamin M. Thomas, U.S. Agent Pueblo Indians, to Messrs. Marmon and Meaul (Menaul), Laguna, New Mexico, August 17, 1876, Pueblo of Acoma Archives (Hereinafter cited PAA).

36. Plat of the Indian Pueblo of Acoma, Map 3, PUEBLO INDIANS IV (New York: Garland Publishing Inc., 1974).

37. B.M. Thomas, U.S. Agent for the Pueblos, to Jose Berrendo, Governor of Acoma, New Mexico, February 20, 1877, PAA.

38. Plat of the Indian Pueblo Acoma, Map 4, PUEBLO INDIANS IV (New York: Garland Publishing Inc., 1974).

Since the nineteenth century all boundary call locations have been continuously challenged by Acoma because the old people claim a true map exists which described Acoma's boundaries. In 1949, some Acoma men testified before the Indian Claims Commission hearing that a Spanish grant document had been delivered to the Pueblo at about the same time the governor's cane of authority was given to them and at some time before the old church was built.

These events would have been pre-1680, but in the federal surveys the spurious 1689 Acoma Grant was accepted as legitimate. Dr. Robert Rands also testified that the call points given in the spurious papers may actually represent the extent of Acoma's land as that which was recognized by the Spanish government. See, Robert L. Rands, "Acoma Land Utilization: An Ethnohistorical Report," before the Indian Claims Commission, Pueblo de Acoma v. United States of America, Docket No. 266 (Clearwater Publishing Co.), p. 155. Other observations can be made about the government's erroneous surveys. For instance, it is true that Cubero is not mentioned in the Acoma papers. Yet, one of the distinct volcanic hills next to Rio San Jose was incorrectly used and named as the Cubero Mountain. Since the volcanic hill was conveniently located opposite Old Acoma, it fulfilled the requirement as a survey marker. Unfortunately this structure was first incorrectly marked by McBroom and Sawyer in 1876, and it established the eastern boundary for Acoma. Loss of additional Acoma land occurred on the east side which benefited Laguna Pueblo. Then, too, another flat plateau to the northwest, on the slopes of Mount Taylor, was conveniently named by the same surveyors as the Prieto Mountain. The surveyors at the time completely disregarded the more prominent Mount Taylor to the north and in front of Old Acoma, as being one boundary call point. Finally, the Penol was incorrectly placed because no one considered the Acoma interpretation of her own boundaries. In Acoma's view the true Penol was

another sandstone mesa some ten miles south. The results when the surveys were completed by the government's surveyors turned out that Acoma lost land on all four sides with the majority of losses occurring on the west and on the south.

39. Plat of the Indian Pueblo of Acoma, Map 4, PUEBLO INDIANS IV (New York: Garland Publishing Inc., 1974).

40. Ben M. Thomas, U.S. Indian Agent, to Honorable J.B. Smith, Commissioner, Washington, D.C., July 9, 1877, PAA.

41. J. B. Smith, Commissioner, to the Secretary of Interior, August 21, 1877, PAA.

42. H. Craig Miner, THE CORPORATION AND THE INDIAN (Columbia: University of Missouri, 1976), p. 92. For another interpretation see William S. Greever, ARID DOMAIN: THE SANTA FE RAILWAY AND ITS WESTERN LAND GRANT (Palo Alto: Stanford University, 1954), p. 27.

43. ANNUAL REPORT OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD, 1884, p. 26, Newberry Library, Chicago, Illinois.

44. Keith Bryant Jr., HISTORY OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY (Macmillan Publishing Co., 1974), p. 87.

45. REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS, ANNUAL REPORT OF THE SECRETARY OF THE INTERIOR, 46th Cong., 3d sess., House Ex. Doc. No. 1, Vol. 9, p. 255.

46. Bryant Jr., HISTORY OF ATCHISON, p. 87.

47. BOOK A, RECORDS OF DEEDS AND CONVEYANCES, pp. 672-73 in Records of Valencia County, New Mexico.

48. Alpheus Henry Snow, THE QUESTION OF ABORIGINES IN THE LAW AND PRACTICE OF NATIONS (Washington: Government Printing Office, 1919), p. 196

"Shaking Hands with the White Man in Council"

Throughout the history of Indian-white relations, several councils were more significant than the others. The Council at Greenville in the Ohio country with twelve local tribes who met with William Henry Harrison in 1795, the Prairie du Chien Council in 1825, Medicine Lodge in Kansas in 1867 with the Plains tribes, Little Arkansas in 1865, and the Great Walla Walla Council in the Pacific Northwest in 1858.

Indian oratory played a very important role and American officials seemed to listen, but neglected what they heard. To the Indians, a council was a meeting of peace when talk of war should be silent. Native protocol was of utmost importance and even more formal than the ways of American officials. As much as the talks themselves, dress attire, public image, and the words spoken were particularly important. Oratory usually focused on the earth and animals, and harmony with them was germane to man's existence.

Native officials fully comprehended the spoken word with its multiple dimensions and placed lesser emphasis on the written word since they believed scratches on papers could not mean very much. The spoken words were what everyone remembered about the council and how they were iterated often with gestures and emotionalism for emphasis. While they believed that the councils had a ceremonial formality to be followed, white officials approached the councils as business meetings to gain the upper hand.

The last one is the subject of Clifford Trafzer's essay, a meeting involving the famed Yakima leader Kamiakin and the ceding of land for reservations. He examines the Indian version of the Walla Walla Council and how it has been distorted due to misinterpretation of documents.

CHAPTER 9

THE EARTH, ANIMALS AND ACADEMICS: THE WALLA WALLA COUNCIL AND PLATEAU INDIANS OF THE NORTHWEST

Clifford E. Trafzer

In the early winter of 1980 an elderly medicine man of the Palouse tribe, shared many stories with three researchers. The small, thin man with long, white hair pulled back into a pony tail, spoke of many things. He told the visitors about his unique powers. "You come from the university where you have men and women who spend their lives studying plants and animals." The medicine man commented that he knew about things that scientists would never know and could not even imagine. "I see and hear things. I have talked to plants and animals." Sincere in his beliefs, the medicine man offered insights into the world view of the Plateau Indians that are imperative to understanding his people's history.

The Palouse elder's perspective like that of Indian traditionalists, constitute an unique native source of information generally ignored by professional historians. Believing that history can only be produced from written documents, historians have ignored accounts of events told by medicine men and women, tribal historians and Indians whose families were involved in historical events. Remembering the past through the oral tradition, these individuals are quite knowledgeable about history. Furthermore, they realize about their own cultural uniqueness and have developed a relationship to non-human life which influenced historical events. They understand in a special way the earth, plants, and animals; this rapport is the essence of their tribal traditions, religion, and world view. This abundance of non-academic knowledge can help the scholar assess events, and thus provide new groundwork for a revisionist history of the American Indian past.¹

To deny the sine qua non of scholarly documents in the presentation of a tribe's history would be foolhardy. However, most sources used in the writing of Indian history are derived from records left by literate observers, explorers, traders, government agents, superintendents, missionaries, and military personnel. These individuals described events from their own viewpoints, and therefore the academic historian must approach all such documents with cautious discretion.

Interpreting such sources should be done with an adroit comprehension of the social, political and economic dynamics affecting white society when the documents were written. Thus understanding the political milieu of whites should also concern writers. Simultaneously, the dynamics within Indian communities should be given equal, careful consideration. This revisionist interest has had an effect on producing new histories.

Today, a growing number of historians--Indians and non-Indians alike--are constructing histories using different sources and new methods, while employing refreshing interpretations from Indian and non-Indian sources of information. Within this generation's life span, these revisionists are changing the genre of American Indian history. Their approach is one of questioning the previous histories and basing their own interpretations on conventional documents with the added element of an indepth understanding of American Indian communities.²

Many examples could be provided to illustrate the importance of understanding the culture, kinship and customs of American Indians in the writing of revisionist history. The example here is a watershed in the history of the Plateau Indians of present-day Washington, Oregon, and Idaho. The Walla Walla Council of 1855 was the single most important event affecting the history of Indian-white relations of the Great Columbia Plain. Members of the Yakima, Umatilla, and Nez Perce had signed treaties, thereby ceding vast areas of land to the United States government.

In April, 1855, over a month before the council convened, Washington Territorial Governor Isaac I. Stevens sent his secretary, James Doty, to the tribes' villages. He asked the Indians to attend the forthcoming council at Waiilatpu, "the place of the rye grass." Doty sought out Chief Kamiakin, the noted leader of mixed Indian blood, who whites considered to be the most important chief among the Yakimas. Kamiakin's uncles on his mother's side of the family, Chiefs Owhi and Teias, eagerly met with Doty and agreed to attend the Walla Walla Council. Remaining aloof at first, Kamiakin refused to meet with Doty. Reluctantly, he agreed to hold council with the governor. Kamiakin used the occasion, however, to tell Doty that the chief "had never accepted from an American the value of a grain of wheat without paying for it." Suspicious of white men, Kamiakin feared that they "gave goods in this manner, and then claimed that the Indian lands were purchased by them." (Although Doty denied this to be true, it had been an old trick used by many government agents from William Henry Harrison to Isaac Stevens, and Kamiakin knew it.)³

Kamiakin and the other chiefs obviously understood the objective of the federal government's Indian policy. They had heard from eastern Indians--Algonkian- and Iroquois-speaking Indians who had worked for Hudson's Bay Company--that the white Americans had forcefully removed thousands of woodland Indians to the trans-Mississippi West. Such men as Jim Simmonds and Delaware Jim, warned the Plateau Indians that the Indian policy was designed to benefit the whites who wanted the land. The Indians heard the same message from friendly whites, including William Craig, a former fur trapper who had married the daughter of a prominent Nez Perce chief. By the time American soldiers arrived on the Plateau to survey the route for the Northern Pacific Railroad, the Indians believed that the Americans intended to remove them "to the Arctic..., to a land where the sun never shines, where eternal night reigns."⁴

From his first cousin, Chief Leschi of the Nisquallys, Kamiakin learned that Stevens intended to force the Indians into signing a treaty and removing to lands set aside that were called reservations. The United States government planned to place as many Indians on to as few reservations as possible, including Indians who spoke different languages and who were enemies. Leschi warned Kamiakin that the governor might forge the Indians' signatures on the treaties, if they refused to sign. The year before, Chief Leschi and his brothers had refused to sign the Medicine Creek Treaty and had left the council in a huff. Nevertheless, Leschi's name and those of his brothers appeared on the treaty. Kamiakin had good reason to fear that Stevens might do the same at Walla Walla.⁵

Some of the Indians who attended the Walla Walla Council were predisposed to sign a treaty. This was particularly true of the largest tribe, the Nez Perce. Kamiakin, Peopeo Moxmox and others believed that the Nez Perce had made a prearranged deal to secure for themselves nearly all of the lands that the tribe had claimed. The Nez Perce were the exception.⁶ Kamiakin opposed both the

treaty and the reservation system. As a precaution, he attended the council. He feared that Owhi and Teias might strike a deal with the white men, and he worried that his brothers, Skloom and Showaway, might be convinced to do the same. Kamiakin's suspicions about his relatives also illustrate a mistrust that developed during the proceedings of the Walla Walla Council. His kinship status entitled him to participate in the council, and all of his concerns weighed in his final decision to sign the Yakima Treaty of 1855.⁷

In the nineteenth century, the family unit continued to be important to the Plateau Indians, even though Kamiakin was at odds with members of his own extended family. As the days approached for the Walla Walla Council to begin, Owhi, Teias and Kamiakin were the most eminent of the Yakima leaders. Of the three men, Kamiakin was the most prominent, although he was not considered the "head chief" of the Yakimas. His mother, Kamoshnite, was the daughter of the great Yakima patriarch, Weowhicht, and Kamiakin's father, Tsiyiak, was Palouse, Nez Perce, and Spokane. Kamiakin's large family base provided him contacts with many tribes other than Yakimas, but it also created problems with kinsmen. Kamoshnite's brothers, Teias and Owhi, resented their nephew who had emerged as the foremost Yakima headman by 1850. Tall and handsome, Kamiakin was sometimes compared to Tecumseh, the famed Shawnee leader of years earlier.

In his youth Kamiakin had received a powerful wyakin, or guardian spirit. While seeking a vision on Mount Rainier, the spirit appeared before him in the form of a buffalo. As the years passed and Kamiakin became a man, he distinguished himself as a warrior and buffalo hunter. Prosperity through accumulated wealth enabled him to have a total of five wives. Kamiakin belonged to a royal family, and as was customary among the Yakimas, he selected his first wife from among the women of his own family. She was Sunkhayc, the daughter of Teias and Kamiakin's first cousin. However, Kamiakin broke social convention when he married his next four wives from the rival family of Chief Tenax. Teias resented Kamiakin and Owhi grew more suspicious of the nephew. They disliked the fact that Kamiakin had forged many alliances outside of his immediate family among his father's people and his wives' extended families.⁸

Over the years, Teias and Owhi had lost political power to Kamiakin. The two uncles were elders to Kamiakin, men of royal lineage and rightful heirs to their father's political, social, and economic influence. As Kamiakin reached middle age, he assumed leadership over a larger band of people than his uncles, and his influence increased beyond the traditional spheres. Wenatchees, Spokanes, Palouses, and Nez Perces respected him and sought his advice. They did not consider him a "chief" of their tribes, but they preferred him over Teias and Owhi. By the time Doty visited the Yakima Country, Teias and Owhi had plotted to usurp Kamiakin's status. Jealous of Kamiakin, the uncles discovered a way to overshadow him. Their opportunity arrived in April, 1855, when James Doty asked to speak to the headmen of the Yakima Tribe. While Kamiakin refused to meet the white man, choosing instead to sulk downstream from the meeting grounds along Ahtanum Creek, Teias and Owhi graciously received the governor's secretary. Kamiakin's uncles contrived to advance themselves politically and socially by associating with the white men. Their actions troubled Kamiakin. They welcomed the Americans and offered themselves as spokesmen of the Yakima Tribe. Kamiakin knew what Doty wanted, and from the outset he opposed any agreement that would cede Indian lands to the whites. Yet, he felt compelled to meet with Doty, putting his people's interests before his personal

feelings. Kamiakin met with Stevens at Walla Walla to discuss the Yakimas's situation, but he refused to support any treaty.⁹

During the council, Governor Isaac Stevens and Indian Superintendent Joel Palmer presented their proposals in terms of the political, economic, and social interests of nineteenth-century white America. They explained the benefits of white civilization and offered the Indians the "light" of religious and cultural advancement.¹⁰ Like the government officials, the Indians presented their people's interests in terms of their own world view, stating that they considered themselves free and autonomous people. They opposed the idea of white rule and removal to a reservation. Even the thought of leaving their traditional lands was abhorrent and contradictory to their view of the land. Simply put, the earth was sacred to them, because "their land was their religion, and their religion was the land." In their world view, the Great Spirit had created the earth so that people could live from its bounty. The earth, animals, fish, and plants were all a part of the whole, all a part of his creation. The Plateau Indians worshipped the Great Spirit by offering praise to the roots, game, and fish--the vital elements that formed the basis of their livelihood. The earth provided life for the Plateau Indians and was the final resting place for the dead.

Grief for the dead and a special feeling for the land prevailed among the people. To leave the earth that they were born from, that provided their livelihood, and kept the bones of their ancestors, was beyond the comprehension of the Indians who attended the Walla Walla Council.¹¹ How could they leave? The land was their home and had been the home of their ancestors. Even more, they were a part of the land.

When the Indians addressed the whites at Waiilatpu, they presented their views based on their own history, traditions and world view. Previous historical studies of the Walla Walla Council do not consider the importance of Indian religion as a factor in determining the outcome of the proceedings and the violent aftermath of the meeting. Yet the most pertinent factor concerning the Indians was their religion. The first to speak at length during the council was Five Crows, a Cayuse chief and half-brother of Old Joseph. Five Crows explained that he and the others had "one Father in heaven; it is He (pointing upward) who had made all the earth; He made us of the earth on this earth." Stevens stated that the whites would pay the Indians for their land, but Peopeo Moxmox (Yellow Bird) of the Walla Wallas reminded the Governor that "Goods and the Earth are not equal."¹²

When it became apparent to the Indians that Stevens and Palmer did not understand their position in reference to the earth, Stickus, a Cayuse Chief, asked them to think of the earth as if it were their mother. "If your mothers were here in this country who gave you birth, suckled you and while you were sucking some person came in and took your mother and left you alone and sold your mother, how would you feel then?" The lands south of the Snake River was as precious as one's own mother, and Stickus refused to sell his own kin. He explained, "This is our mother, as if we drew our living from her." Young Chief, another Cayuse leader, spoke of the "Chieftainship" of the Earth, asking "if this ground is listening to what is said." Yet Young Chief knew what the earth would say. "The earth says, God had placed me here. . . to take care of the Indians." According to the Chief, "God named the roots that he should feed the Indians on: the water speaks the same way." Furthermore God had created the plants, animals, and fish, and it was from the earth that "man was made."

The Indians had a divine duty "to take care of the earth" because the earth was the eternal provider whose essence was a part of God and man.¹³

The idea of surrendering the lands that provided them with their physical and spiritual sustenance, the Plateau people worried about violating natural laws. In a poetic manner, Owhi spoke of the earth and its relationship with the Great Spirit. "God gave us day and night, the night to rest in, and the day to see, and that as long as the earth shall last, he gave us the morning with our breath; and so he takes care of us on this earth and here we have met under his care." Turning to the Indians, Owhi asked, "Is the earth before the day or the day before the earth? God was before the earth, the heavens were clear and good and all things in the heavens were good. God looked one way then the other and named our lands for us." Owhi explained that he was reluctant "to speak of the land" because he was "afraid of the laws of the Almighty." The Chief asked, "Shall I steal this land and sell it? Shall I give the lands that are part of my body and leave myself poor and destitute?"¹⁴

Each night during the Council the Indians gathered together in their tipis to discuss the whites' proposals. (It has been said that some of the Nez Perces kept written notes about these meetings, but to date none have been discovered.) It is apparent from the official proceedings that most of the Indians, except for the Nez Perces, had become incensed over the proposal of creating two reservations and forcefully removing all of the Indians on to them. "Your marking of this country is the reason [and] it troubles me so," remarked Young Chief, who asked, "where was I to go to, was I to be a wanderer like a wolf." Palmer responded to the predicament by proposing a separate reservation in northeastern Oregon for the Umatillas, Cayuses, and Walla Wallas. This suggestion, although far from ideal, appealed to these tribes faced with the alternative of removal to the Yakima or Nez Perce reservations. Other Indians abhorred confinement on a reservation, far from their traditional hunting and root grounds as well as their favorite fishing sites. Stevens and Palmer countered these concerns by assuring the Indians that under the terms of the treaties, the Indians would "be allowed to go to the usual fishing places and fish in common with the whites and to get roots and berries and to kill game on land not occupied by the whites." Furthermore, the Americans told the Indians that the tribes would be permitted to hunt, fish, and gather forevermore "outside the Reservation." These concessions swayed the Cayuses, Umatillas, and Walla Wallas. These tribes, along with the Nez Perces, decided to sign their respective treaties, but the Yakimas remained divided over the proposed treaty and reservation. Kamiakin and his followers remained steadfast in their opposition to the Yakima Treaty, while Owhi and Teias agreed to the treaty.¹⁵

On the morning of June 9, 1855, Kamiakin prepared to leave the Council without signing the treaty. As a courtesy to Stevens, he visited the Governor to announce his intentions. The Governor's secretary, James Doty, provided the "official" report of the events surrounding this momentous meeting, (an account of the meeting accepted without question by nearly all historians who have written about the Council). According to Doty, Stevens became angry with Kamiakin, demanding to know why "the acknowledged Head Chief of the Yakimas did not speak his mind in Council as became a Great Chief, why he did not take a decided course." Stevens asked Kamiakin to make "a Treaty of Peace and Friendship with the Whites, to endure forever." After a long pause of "considerable duration," Doty recounted that Kamiakin capitulated: "All say I am Head Chief of the Yakimas." The Secretary reported that Kamiakin finally agreed to "make the treaty as you wish" and that the Chief made a "list of

tribes and lands over whom he had authority as Head Chief." This list included the Yakimas, Palouses, Wenatchees, Klikitats, and various Salish-, Sahaptin- and Chinook-speakers of the Columbia River. Not surprisingly, these were the same people who had previously been included in the Yakima Treaty which had been composed before June 9 with Kamiakin recognized as "head Chief."¹⁶

To evaluate the events leading to the creation of the Yakima Treaty without an understanding of the Yakima people would negligently dismiss the Yakimas' view of the Council. Moreover, to analyze the event using only the official proceedings and Doty's account would likewise present an incomplete picture of one of the most important federal-tribal councils in the history of Indian-white relations. Therefore, Doty's account should be carefully examined for its accuracy, especially since two opposing sides had represented their own interests.

Andrew Pambrun was also present when Kamiakin spoke with Stevens on the morning of June 9, and his account provides another perspective. According to Pambrun, who spoke Sahaptin and served as an interpreter, Stevens became impatient with Kamiakin, and the Governor restated "all that had been said and offered and concluded by saying, if you do not accept the terms offered and sign this paper (holding up the prepared treaty) you will walk in blood knee deep." Kamiakin stormed out of the tent and returned to his camp, planning to bolt from the council site. It would seem that such a disagreement could not be dismissed from history.

In another version, Andrew Jackson Splawn, who had met Kamiakin and was a close friend of many Yakimas who had been present at the Council, Kamiakin conferred with his friend, Peopeo Moxmox. The Chief also met with Owhi, Teias, Skloom, and other Yakima leaders. Pressure was brought to bear on the mixed-blood leader, and he finally agreed to touch the pen as an act of "peace and friendship." Kamiakin returned to the Governor's tent and was the last to sign the document, but "he was in such a rage that he bit his lips [so hard] that they bled profusely." To his dying day Kamiakin refused to accept gifts from whites, and he maintained the position that he had never signed the treaty but had touched the pen only as an act of peace and friendship.¹⁷

Throughout the council meeting, Kamiakin never said that he was "Head Chief." Within Indian communities, he would have been labeled a liar for claiming domain over land and people who were not Yakimas. He would have lost his power and loyal supporters, and thus Kamiakin would have never listed Indians under his control who were not members of his own band. So, it seems that Doty or the interpreter either misquoted Kamiakin or Doty incorrectly recorded the event in his journal. Doty had drafted the treaty before the document was signed and he knew the tribes listed in the preamble. When he wrote (quoting Kamiakin), he claimed that Kamiakin had stated that he had dominion over the exact same people as those listed in the treaty. Doty contrived the list as stated by Kamiakin to correspond neatly with the listing in the preamble. Doty realized the importance of the written word and its future importance in questioning the legality of the proceedings, particularly by members of the United States Senate who would be asked to ratify the agreement. The first Northwestern treaties had been scuttled by the senators, and Governor Stevens had no desire to see his handiwork go awry. The various Indians included in the Yakima Treaty had never been "considered as one nation," and Kamiakin had never claimed to be a "Head Chief." There was no such position of leadership in the political structure of the Plateau Indians, and to accept Doty's documentation on the subject would be careless. An

understanding of the Yakima leadership and the region's tribalism would prevent such a gross error in analyzing this important Council.

Kamiakin concluded his participation in the Council saying, "I am tired, I am anxious to get back to my garden." The fifty-five year old leader returned to his home on Ahtanum Creek, but not to have a peaceful future. In less than four months the Yakima War commenced, and Kamiakin was forced forever from his mother's homeland. His descendants are alive today, but they reside on the Colville, not the Yakima Reservation.¹⁸

Specific knowledge about American Indians involved in an event--including information regarding genealogy, kinships, political organizations, and religion--is imperative to any study regarding Indian-white relations. With accumulated information from multiple sources, scholars can include an "Indian perspective" of the events in question, and perhaps convey a more valuable understanding of Indian-white relations. This new revisionary scholarship offers a more comprehensive presentation of historical events, personalities and developments.

Previously it has been common practice for scholars to beg this issue by stating that they are not "Indian" historians, but rather historians who specialize in white history as it relates to Indians. Some of these individuals have criticized the so-called Indian historians (of Indian descent) for offering a romanticized view of American Indian history. To be fair, non-Indian historians have also glorified American Indian history.

Furthermore some Indian historians have been criticized for recreating Rousseau's "noble savage" while simply portraying whites as land hungry, ruthless individuals who cared nothing about Indian people. To present the past in such simplistic interpretations is poor scholarship. Revisionist scholars can offer new perspectives on such major events as the Walla Walla Council, using both archival documents and Indian sources. Yet it would be best to have a knowledge of both cultures during the years studied to analyze and interpret the sources. The lives of the Plateau Indians were turned upside down as a result of the Walla Walla Council of 1855, and any history detailing the event must consider the multiple factors motivating the Indian communities as well as the white actors involved in the episode.

In sum, academicians engaged in American Indian history should consider the oral traditions of the tribal elders, investigate the social and cultural dynamics of the tribes, and combine this knowledge with the documented information collected from conventional sources. For we learn from Indian people that the earth, the plants, and the animals significantly influenced the course of Indian-white relations. Academicians would do well to revise their research methodology and reconsider conventional sources for correctly understanding and better analyzing the American Indian's past.

CHAPTER 9

NOTES

1. Interview with Andrew George by Clifford E. Trafzer, Richard D. Scheuerman and Lee Ann Smith, Yakima Reservation, Washington, November 15, 1980.
2. Each Indian society is unique, and it is important to understand the nuances between the various tribes and bands. Of particular importance are the religions of the individual tribes. The Sahaptin-speaking Indians of the Northwest Plateau practiced the Washani religion which predates white contact. Not long after the Walla Walla Council, the religion was formalized by a Wanapum Indian Prophet known as Smohalla (teacher or preacher). For the best studies of the religion, see Click Relander, *DRUMMERS AND DREAMERS* (Caldwell, Idaho: Caxton Printers, 1956); Margery Ann Beach, "The Wanapums and the Priest Rapids Dam: Fulfillment of an Indian Prophecy," which will soon be published by the *PACIFIC NORTHWEST QUARTERLY*; Leslie Spier, "The Prophet Dance of the Northwest and Its Derivatives: The Source of the Ghost Dance," *GENERAL SERIES IN ANTHROPOLOGY* (Menasha, Wisconsin: George Banta Publishing Co., 1953); Cora DuBois, "The Feather Cult of the Middle Columbia," *GENERAL SERIES IN ANTHROPOLOGY* (Menasha, Wisconsin: George Banta Publishing Co., 1938); and chapter 6 of James Mooney, "The Ghost Dance Religion," *FOURTEENTH ANNUAL REPORT OF THE BUREAU OF ETHNOLOGY* (Washington, D.C.: Government Printing Office, 1896.)
3. For the best studies of the Walla Walla Council, see Alvin Josephy Jr., *THE NEZ PERCE INDIANS AND THE OPENING OF THE NORTHWEST* (New Haven: Yale University Press, 1965), pp. 285-332; Robert H. Ruby and John A. Brown, *THE CAYUSE INDIANS* (Norman: University of Oklahoma Press, 1972), pp. 189-204; Kent D. Richards, *ISAAC I. STEVENS: YOUNG MAN IN A HURRY* (Provo, Utah: Brigham Young University Press, 1979), pp. 211-234.
4. General Report of Captain George B. McClellan, Corps of Engineers, USA, in Command of the Western Division, February 25, 1853, p. 188 in "Reports of Explorations and Surveys to Ascertain the Most Practicable and Economical Route for a Railroad from the Mississippi River to the Pacific Ocean," *HOUSE EXECUTIVE DOCUMENT 91*, 33rd Cong., 2nd sess., Serial Set 791 (Hereinafter cited as Railroad Reports). Also see William Norbert Bischoff, "The Yakima Indian Wars: 1855-1856," Ph.D. Dissertation, Loyola University of Chicago, 1950, p. 56.
5. See Carole Seeman, "The Indian Treaties of Puget Sound," in Clifford E. Trafzer, ed., *INDIANS, SUPERINTENDENTS, AND COUNCILS* (Washington, D.C.: University Press of America, 1966).
6. Stevens to Doty, May 20, 1855, Records of the Bureau of Indian Affairs, Washington Superintendency, National Archives, Record Group 75, Letters Sent (Hereinafter cited as NA, RG 75, LS); Stevens to Mannypenny, May 28 and June 13, 1855, "Documents Relating to the Negotiation of Ratified and Unratified Treaties with Various Indian Tribes, 1810-1869," NA, RG 75, Microfilm T494, Reel 5 (Hereinafter cited as Council Proceedings).

7. There are numerous oral histories conducted by Judge William C. Brown in the Brown Collection, Manuscripts and Archives, Washington State University Library, Pullman, Washington (Hereinafter cited as WSU). For other genealogical information on Kamiakin's family see William C. Brown, *THE INDIAN SIDE OF THE STORY* (Spokane: C. H. Hill Printing Co., 1961), pp. 60-80; Andrew Jackson Splawn, *KA-MI-AKIN: LAST HERO OF THE YAKIMAS* (Portland: Stationary and Printing Co., 1917), pp. 15-21; Theodore Winthrop, *CANOE AND SADDLE* (Tacoma, Washington: J.H. Williams, 1913), p. 178; Robert I. Burns, *JESUITS AND THE INDIAN WARS OF THE NORTHWEST* (New Haven: Yale University Press, 1966), pp. 52, 54, 74, 126, 363-364; and *Railroad Reports* 12, pp. 107-108.

8. *IBID.*

9. *IBID.*

10. *Annual Report of the Commissioner of Indian Affairs, 1855*, Department of Interior, Office of Indian Affairs, p. 12 (Hereinafter cited as *Annual Reports*, CIA, 1855). Copies of the *Annual Reports* were used from the Microcard Editions, Washington, D.C., 1968. Stevens to Mannypenny in Council Proceedings, 1855. Discussion of the "light" of white civilization is found throughout the Council Proceedings, 1855.

11. L.V. McWhorter Collection, Document 213, B/84, Manuscripts and Archives, WSU; Andrew George Interview, *passim*, and Interview with Mary Jim by Clifford E. Trafzer and Richard D. Scheuerman, Yakima Reservation, Washington, November 9-11, 1979, both interviews available in the Department of American Indian Studies, San Diego State University, San Diego, California.

12. Council Proceedings, 1855 and Brown, *THE INDIAN SIDE OF THE STORY*, pp. 49-50. Henry Harmon Spalding gave Five Crows the Christian name, Hezekiah, but Five Crows renounced Christianity after the Whitman killings and the Cayuse Indian War.

13. Council Proceedings, 1855.

14. *IBID.* Chiefs Lawyer and Timothy of the Nez Perce had learned to write English at the mission school at Lapwai, Idaho under the tutelage of Henry H. Spalding. Mention is made of the Nez Perce accounts in the Council Proceedings, and the artist Sohon, made an instructive sketch of Nez Perce taking notes at the Council. It is likely that they also made notes of their meetings in the camps. A nine-year search of these documents by the author has been futile, but if these sources were discovered, they will provide a valuable perspective on the Walla Walla Council.

15. *IBID.*; "Doty's Journal of Operations" and Josephy, *THE NEZ PERCE INDIANS*, p. 324. Josephy provides an excellent discussion about the boundaries of the reservation.

16. Council Proceedings, 1855 and "Doty's Journal of Operations."

17. *IBID.* Also, see Edward J. Kowrach's edited work, Andrew D. Pambrun, *SIXTY YEARS ON THE FRONTIER IN THE PACIFIC NORTHWEST* (Fairfield,

Washington: Ye Galleon Press, 1978), p. 95. Other details of Kamiakin's decision to sign the Yakima Treaty will be presented in a forthcoming edited work by Edward Kowrach in his study of Father Charles M. Pandozy.

18. Council Proceedings, 1855. For other details regarding published accounts of the Walla Walla Council and the Kamiakin question, see Richards, ISAAC I. STEVENS, pp. 211-214, 221; Josephy, THE NEZ PERCE INDIANS, pp. 85-130; Brown, THE INDIAN SIDE OF THE STORY, pp. 85-130; Splawn, KA-MI-AKIN, pp. 27-35; and Hazard Stevens, THE LIFE OF ISAAC INGALLS STEVENS, Vol. 2, (Boston: Houghton, Mifflin and Co., 1901), pp. 47-48. The most recent study relating to the Walla Walla Council is that of Kent Richards who accepts Doty's explanation of the events leading to Kamiakin's signing of the Yakima Treaty without taking into consideration the political and social factors relating to the tribes, the religion of the Indians, or the family alliances and factions present at the Council.

"Native American Religions Past and Present"

Evangelizing circuit riders and missionaries preaching Christianity confronted traditional Indian beliefs, and the conflict between the two belief systems was great. Native American religions had developed over the centuries and were deeply rooted in tribal cultures. These traditional religions included the False Face Society of the Iroquois League tribes, Green Corn Ceremonial dances among the Muskoghean speaking groups, Plains Indians' Sun Dance, Midewiwin Society among the Great Lakes tribes, and Kiva worship of the Southwestern Pueblos.

Christian religions began succeeding in questioning the validity of native religions when white man's wars and diseases decimated the Indian groups and their religious deities could not save them. Dispirited, many doubtful Indians converted to the various white man's religions.

An alternative occurred in several instances when native religious movements reinforced native beliefs against those of the white man. These nativistic movements included the Handsome Lake religion of the 1790s in the Northeast, the Shawnee Prophet's teachings in the Ohio country which aroused many tribes against the white man during the War of 1812, the Kickapoo Kennekuk voiced similar anti-white man teachings in 1834, and John Slocum's Shaker religion in 1881 among the Northwestern tribes, and the tremendous tribal following of the Ghost Dance Movement originated by the Indian Messiah Wovoka in 1890. They enhanced the traditional beliefs among the people who continued to worship the Great Spirit--a continuity of traditionalism that was being challenged by Christian doctrines.

During the 1800s, a quiet Indian usage of peyotism surged in the Southwest and its practice spread throughout the plains and east among the Oklahoma tribes. Based on the hallucinating effects to communicate with the supreme being, peyote users have a close rapport with God among contemporary Indians. In the following essay, Carol Hampton describes the struggle of peyotists in the early decades of this century to establish the Native American Church, which led to the passage of the American Indian Religious Freedom Act in 1978. With the aid of ethnologist James Mooney and the supportive decree announced in Woody v. United States (1964), the Native American Church has a thriving membership today.

CHAPTER 10

THE AMERICAN INDIAN RELIGIOUS FREEDOM ACT, ITS ANTECEDENTS AND ITS FUTURE

Carol Hampton

Religious Freedom! We all hold a mental idea in our minds that religious freedom means that all people have a right to believe as they wish concerning our individual or community answers to ultimate questions such as: What is my individual or group destiny? How can I or we fulfill our ultimate destiny? What is my or our relationship to the Creator? The Supernatural? Whether we name the great force Caddi Ayo, Jehovah, Maheo, Yahweh, Wakan Tanka, The Great Spirit, Heavenly Father, or God.

All over the world these questions have been asked in all ages whether it be by the people of the Old Testament trying to fulfill their destiny to Yahweh or Jehovah; Cheyennes praying to Maheo; Christians seeking guidance and salvation from God, the Father, Christ, the Son, and the Holy Ghost; Lakotas thanking Wakan Tanka, the Great Mystery; or Caddos crying to their Caddi Ayo, the Great Chief Above. In all places and for all times people have recognized a need to believe in a Supreme Being.

A need to believe in a superior Being to man and the freedom to practice such a belief seems harmless to the society at large, yet centuries have passed in discord over native doctrines and practices in paying respect to a Supreme Being or First Cause. During the founding years, the framers of the United States Constitution and convention delegates addressed the question of religious freedom in the First Amendment to the Constitution which states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..." Almost a century later when the states ratified the Fourteenth Amendment, the right of religious freedom to the states was guaranteed in Section One: "No state shall make or enforce any law which shall abridge the privileges or immunities or citizens of the United States..." and in Section Five: "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

Some citizens and American Indians, however, have found that such constitutional guarantees of religious freedom were limited to a right to believe, but not a right to practice the tenets and ceremonies of their religions. As examples, a lengthy list of legal cases in both federal and state courts have denied the religious belief of Mormons to practice polygamy,¹ denied and then affirmed on appeal the religious belief of Amish people to educate their children in their own schools,² as well as many legal cases involving American Indians and their religious beliefs concerning possession of sacred objects, including eagle and migratory bird feathers,³ access to sacred land sites,⁴ and the possession, transportation and ingestion of the divine cactus, peyote.⁵

Many Indian Americans feel and think that their religions, whether traditional tribal beliefs and rituals or inter-tribal religions such as the Native American Church, have been suppressed, abridged, and even prohibited. By law, American Indians are citizens of the United States and of the states in which they reside, and yet they have received little protection of their constitutional rights to freely exercise their religions.

Recognizing this lack of religious freedom, Congress took the power granted in the Fourteenth Amendment to enforce constitutional rights by appropriate legislation and passed the American Indian Religious Freedom Act which was subsequently signed into law by President Jimmy Carter on August 11, 1978: "That henceforth it shall be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonial and traditional rites."⁶

What has caused abridgement of American Indian religious practices necessitating the passage of a congressional act expressly for the protection of American Indian religions? What beliefs on the part of the dominant society have compelled religious oppression? Answers to these questions vary depending on the particular aspect of American Indian religion under scrutiny as well as the historical period in which opposition arises, but one characteristic prevails--the ethnocentrism that the oppressor is always right and the dominant religion, (Christianity in the case of the United States)--is the only true religion.

A corollary to the causation of religious oppression is the effect of the American Indian Religious Freedom Act on the dominant society. Was and is such an act necessary is a bona fide question to ask. Will this act alleviate problems or just be another statute on the books that government officials, private groups, and individuals will ignore in their efforts to destroy something alien, something they little understand--a religion, a way of belief and worship, different from their own? The record for the last six years would indicate that the dominant society in the guise of federal officials, local law enforcement officers, newspaper reporters, editors and much of the public, have remained steadfast in their opposition to American Indian religious beliefs. In particular, these people object to tribal practices which require access to sacred sites and the possession and use of holy objects such as eagle feathers. Such opposition is especially acute when sacred Indian objects differ from the holy objects of Christian religions like the cross. The clash of Native American religious and Christian practices goes back to the early contact period between Indians and Europeans.

Religious prohibition and denigration affecting Indians occurred with the arrival of the first Europeans in the fifteenth century. Spanish and French missionaries, while recording descriptions of native ceremonies, attempted to supplant them with their own religions. English settlers followed with their codes of conduct to force American Indians to behave as Englishmen. Nineteenth-century officials of the Bureau of Indian Affairs, United States Senators, Congressmen and individuals continued to disrupt Indian religious practices, culminating in restrictions against ceremonies and religions on various reservations in the 1880s. The rallying cry for public and private opposition to anything "Indian" was "assimilation!" In attempting to "protect the interests and general welfare of the Indians," groups such as the Indian Rights Association, the Lake Mohonk Conferences of Friends of the Indian, the Boston Indian Citizenship Committee, and the Women's National Indian Association, were all supporters of Indian rights, but sought to absorb Indians into the "common life of the United States."⁷

These reformers, perceiving American Indian circumstances and values from their own ethnocentric viewpoints, saw disease, poverty, squalor, filth, myth,

paganism and heathen rituals. Blinded by their biased attitudes, they failed to discern beauty, holiness, healing, generosity and treasured traditions of the sacred nature and interdependence of all of creation. In observing a Sun Dance, they saw skin lacerations instead of a sacred offering of one person to his God; they misunderstood community Green Corn dances that lasted through the night and thought them frivolous rather than religious. The assimilators tried to impose their own values and social systems on a helpless people, but they had neglected to learn about the people they wanted to change, their values, traditions, ceremonies, and beliefs--all elements of a culture that composed the Native American world. The reformers, good-hearted though they might have been, negated tribal heritage and Indian pride and left an empty feeling of loss values and traditions. This void caused a societal upheaval and consequent loss of purpose and destruction of social roles that had been the basis for tribal identity.

Several spiritual movements grew out of the despair that American Indians felt during the last quarter of the nineteenth century. Some tribes returned to spiritual beliefs and practices of an earlier time while others listened to the teachings of new prophets. In response, federal Indian agents banned all native activism. Tribal members met legal barriers between themselves and their traditional sacred lands, harassment when they attempted to perform holy rituals, and opposition to their sacramental use of peyote.

All Native American religions have been the subject of denigrations and prohibitions but opposition to the peyote religion has frequently occupied the forefront of a religious antagonism more than any other Indian religion. Peyote--both a "magical cactus"⁸ and a "diabolical root"⁹ has long struck a chord of dread and fear among Christian missionaries, zealous reformers, local sheriffs, and narcotics agents. Ethnocentrism has hindered them from recognizing the similarity of peyote as sacrament in an American Indian religious service to bread and wine as sacrament in Christian religious services of the Holy Eucharist. Few have realized that peyote has an ancient record of spiritual usage by American Indians.

The peyote religion had gradually changed from ancient usage as one of many plants within ceremonies to a central position. Focusing on a natural growing plant, the ancient but altered beliefs and ceremonies served two constant purposes for Plains Indians during the nineteenth and twentieth centuries: the peyote religion was a bridge between traditional faiths and the realities of contemporary life--a way of life limited by outsiders; and it became a basis upon which to build a pan-Indian movement uniting peyotists of diverse tribes.

Peyote seemed to fulfill all the requirements of deliverance from the pain, disaster and crisis of nineteenth-century life on the plains. The form and kind of deliverance, however, was different from that offered by other spiritual movements of the period. Peyote offered a way to live in an alien, Euramerican world that had surrounded them by creating a regeneration of their original, harmonious condition in an altered environment. Other Indian religions sought a counter world without Euramericans. In contrast, the peyote religion offered a means to live in this age.

Non-Indians misunderstood the beliefs and the promise of the peyote religion. Opponents of the peyote religion have focused on the mild hallucinogenic quality of the cactus, doubting the sacredness of peyote as a sacrament, while recognizing the religion as a powerful rival to the goal of mainstreaming Native Americans. Using peyote would identify Indians as

non-members of the mainstream society. Indian agents recommended legislation banning peyote, but Congress failed to respond. Bureau of Indian Affairs agents however, proceeded to enforce their own prohibition, confiscating peyote whenever they found it in the possession of Indians.¹⁰ Agents claimed that their action was legal because peyote was an intoxicant and subject to seizure under the laws for the suppression of alcoholic beverages, although no scientific investigation has shown peyote to be an intoxicant.¹¹

Native Americans, recognizing a difference between alcoholic beverages and the cactus which had come to them as a divine gift, little understood prohibitory actions by their local Indian agents. They did understand, however, that their peyote religion was as valid as any other religion and should have protection under the First Amendment to the Constitution of the United States. They tried their usual political resources--petitions, memorials, tribal, and inter-tribal delegations to Washington, intercession by pro-Indian individuals and organizations--and achieved some success in that no federal legislation concerning the use of peyote became law.

Anti-peyotists failed to gain congressional legislation to ban peyote, so they turned to state and territorial legislatures. Lobbying those state and territorial legislatures succeeded when the Oklahoma Territorial Legislature in 1897 adopted the first law in the United States prohibiting peyote by name.¹² Prohibition of peyote use, however, little hampered the diffusion of peyote worship throughout the plains. Governmental authorities saw little reason to prosecute the religion or its believers until 1907. In that year a zealous farmer hired to teach Cheyennes and Arapahos how to farm their allotments informed the local police that a peyote ceremony would take place at a site near El Reno, Oklahoma. Police officials, using the 1897 law, appeared at the peyote prayer meeting and arrested three men for possession of peyote, who stood trial and were convicted.¹³

By 1907, American Indians no longer fought their battles against an ethnocentric government alone. They had enlisted powerful allies among lawyers and anthropologists. These friends aided vocal peyotists in Oklahoma Territory in requesting a hearing from the legislature on what appeared to be an unconstitutional law prohibiting an American religion--a religion practiced in good faith by American citizens. As a result, in 1908 the first Oklahoma State Legislature repealed the anti-peyote law.¹⁴ Yet the danger was clear and present. Peyote opponents would continue to try to pass legislation. Failing the passage of such legislation, Bureau of Indian Affairs officials and temperance leaders interpreted liquor prohibition as a stand against peyote.¹⁵

State governments became the next target for Indian agents, church officials, the Society of American Indians, the Indian Rights Association, and the Women's Christian Temperance Union. They succeeded in their objective when Utah, Colorado, and Nevada adopted laws prohibiting peyote in 1917. Kansas legislators followed three years later and lawmakers in Arizona, Montana, North and South Dakota joined their counterparts in 1923. Iowa enacted a ban on peyote the next year and New Mexico and Wyoming passed prohibitory legislation in 1929. In the 1930s both Idaho and Texas enacted such legislation.¹⁶

As harassment continued unabated and as states enacted anti-peyote laws, peyotists and their advisors sought relief through constitutional protection. Realizing that they held the status of United States citizenship, they listened to non-Indian friends who told them of constitutional protections or rights. Determined to retain what remained of their traditions and tribal culture, they decided to unite in an inter-tribal organization to fight for their religion.

James Mooney, the Bureau of American Ethnology's specialist on peyote, suggested to the peyotists that they follow the practice of other Indian groups and organize their religion along the lines similar to those of protestant churches. Peyote leaders agreed and, after many meetings, organized and applied for a corporate charter from the state of Oklahoma under the name of the Native American Church. Indian incorporators duly filed their charter for record on a rainy Thursday in October, 1918.

A state charter from Oklahoma proved helpful in limiting harassment in Oklahoma, but opposition continued in other states prompting peyotists to attain legal sanction in other states. Peyotists gained charters in Nebraska, South Dakota, North Dakota, Montana, and Idaho. Other states included Colorado, Wisconsin, Iowa, New Mexico, Utah, Arizona, and Texas. In the next thirty years, Illinois, Minnesota, Kansas, Wyoming, Nevada, and California followed suit. Freedom from religious harassment proved illusory. Peyotists learned that state charters in some states diminished the rate of harassment, confiscation, and arrests for possession of peyote while officials in other states ignored the presence of state charters for Native American Churches, and continued to consider possession of peyote for religious purposes illegal.

While only state laws contain prohibitions against peyote, the legal issue seemed to reside within the guarantees of the freedom of religion clause of the First Amendment to the Constitution. State laws and local district or county officials continue to prohibit the free exercise of American Indian religion, while federal law continues to guarantee religious freedom to all Americans.

The 1920s signalled a move from legislative action and incorporation of Native American Churches to the courtroom. While legislative action continued to influence the battle for recognition of the validity of the peyote religion, the main arena was in the federal and state courts.

Beginning with the Montana case against a Crow Indian named Big Sheep in 1924, a Montana Supreme Court Justice dismissed the case on grounds of jurisdiction since the arrest occurred on the Crow reservation. The Justice did, however, rule that the state legislature could legally "determine whether the practice of using peyote is inconsistent with the good order, peace, and safety of the state."¹⁷ The court distinguished, as was common at the time, between a constitutional right to a religious belief and a state right to regulate or prohibit practices associated with that religious belief. Big Sheep and other Montana peyotists were free to believe, but not free to practice their religion. The decision followed a precedent set in a United States Supreme Court case involving Mormons and their practices of polygamy.¹⁸

With the election of Franklin Delano Roosevelt to the presidency in 1932, attitudes began to change in the Bureau of Indian Affairs. Congress passed the Wheeler-Howard, or Indian Reorganization Act, which provided federal assistance against state abuses. With federal support, Native American Church leaders initiated attempts to repeal or amend state statutes prohibiting peyote. Oklahoma had omitted an anti-peyote law from the 1908 General Statutes, and had never reinstated it. In 1935 Utah also omitted a previously enacted anti-peyote law, followed by Iowa in 1937. Montana and New Mexico amended their anti-peyote statutes to allow it to be used in religious services.¹⁹

While peyotists succeeded in some states in repealing specific laws against peyote, Utah, Wyoming, Colorado, New Mexico, Texas, Kansas and Nebraska classified peyote with narcotic drugs.²⁰ While these states changed their classification of peyote, Congress, in its 1938 Food, Drug and Cosmetic Act, allowed interstate shipment of the cactus and the Bureau of Indian Affairs

emphasized that no federal statute existed, either prohibiting or regulating use or sale of peyote.²¹ Confusion about the proper classification of peyote has continued to the present day.

Classification of peyote has remained a problem for American Indians but other issues have arisen which affect all Indian religions. In the 1940s the United States Supreme Court ruled that each person held an absolute right to believe while no one had an absolute freedom to exercise or practice his religion.²² This Supreme Court decision, while little noticed at the time, has proved to be the cornerstone of opposition to American Indian religions in recent years.

Through the 1960s and 1970s, court cases concerning the peyote religion have proved the validity and sincerity of spiritual belief, traditional status of belief, religious organization, and organizational membership of the Native American Church. States have protested each of these aspects of religious validity as well as a federal requirement that each state bringing suit against an Indian religion must present proof of a compelling state interest which would necessitate the abridgement of religious freedom.

In 1963 the United States Supreme Court decided a case of religious freedom in which the Court found the defendant's religion burdened by a state regulation. The choice to be made was in balancing relative importance of a religious practice on the one hand and the interest of the state on the other. The Court required the state to prove a vital and paramount interest in order to infringe upon freedom to practice a religion. With the Sherbert v. Verner decision, American Indians had a legal issue to aid the free exercise of their religion.²³

In the same year that the Supreme Court decided the case of Sherbert v. Verner a twenty-three year old Navajo left his reservation for Los Angeles where, within a few months, police officers arrested him on a charge of narcotics possession when they found a peyote button in his pocket. With the help of a court-appointed attorney and the American Civil Liberties Union attorney, Begay was acquitted. Judge Mark Brandler of the California Superior Court ruled that peyote was necessary to the practice of Begay's religion.²⁴ The Begay decision might well have been the reverse before the Shebert v. Verner case.

That same year Dan Woody and two other Navajos participated in a peyote meeting near Needles, California. Police arrested them for possession of peyote and a court convicted them. On appeal the California Appellate Court upheld their conviction in a ruling of peyote as a threat to society.²⁵ The American Civil Liberties Union took the case, People v. Woody, to the California Supreme Court which reversed the decision of the lower courts in a ruling which stated that the defendants had used peyote in a bona fide pursuit of religious faith in a church incorporated in the state of California. Prohibiting the use of peyote would result in a prohibition of the defendant's religion since peyote served as a sacrament. The Court also addressed the question of a compelling state interest sufficient to abridge an individual's right to a free exercise of religion. This court ruled that the state had failed to demonstrate such an interest. In People v. Woody the California Supreme Court identified the Native American Church as a religion in terms of its similarities to Christianity and the centrality of peyote in the worship practices of the Native American Church. Federal and state courts have dismissed American Indian appeals to free exercise of religion when centrality cannot be proven.²⁶

Four cases in the 1970s have demonstrated that federal as well as state exemptions to peyote prohibition for members of the Native American Church have had little impact on arrests for illegal peyote possession. Police have steadfastly refused to consider a person's statement of peyote use in a bona fide worship prior to arrest, confiscation and incarceration.²⁷ In 1974, Gold Eagle, a member of the Native American Church, had his peyote confiscated and stayed in jail for thirty-one days before he had a hearing on his religious sincerity. The court acquitted him but he had already spent a month in jail.

That same year the Arizona Supreme Court decided a peyote case and affirmed the validity of the Native American Church -- State v. Whittingham -- on the basis that:

...the use of peyote during a meeting is a central force and the theological basis of peyotism. Peyote constitutes, in and of itself, an object of worship. Without it the sacraments of the Native American Church are obliterated.... The use of peyote in the bona fide pursuit of religious faith was constitutionally protected by the first amendment of the United States constitution which is binding on Arizona.²⁸

While Arizona and California have recognized the validity of the Native American Church, Oregon has refused to grant any exemption from its narcotics laws to the Native American Church or its members. As an example, a deputy sheriff arrested Roland Soto in 1973 for possession of peyote. A lower court as well as the Oregon appellate court convicted Soto on grounds of a compelling state interest in protecting the safety and health of the citizens of Oregon.²⁹ Arizona and California had addressed the identical issue and found the danger to be insignificant. Oregon disagreed.

A final case in the 1970s--Whitehorn v. The State of Oklahoma--brought out another aspect of the legality of the use of peyote and other Indian religious practices, the question of membership and membership controls. While the court willingly accepted the validity of the Native American Church, it questioned Whitehorn's membership and connection with its bona fide practices. The Oklahoma Court of Criminal Appeals preferred that Native American Church members carry identification cards but refrained from requiring it.³⁰

Courts in three states and the federal government, through an administrative exemption from federal regulations against possession of peyote for the Native American Church from the Department of Justice, have accepted the validity of the Native American Church as a religion to be protected by the United States Constitution. And yet that protection has been limited. Indian Americans have experienced harassment, confiscations, incarcerations, and expensive court cases to prove repeatedly their religious sincerity in spiritual beliefs of long-standing tradition. Continuing opposition--public and private--to traditional American Indian religions as well as to the Native American Church have led many American Indians, ethnologists, anthropologists, historians, United States Senators, and Congressmen to concede the failure of the First Amendment to the United States Constitution to protect the religious freedom of American Indians.

Acknowledging frustration but not total defeat in attempts to protect American Indian freedom to exercise their religions, American Indian spiritual leaders and non-Indian legal advisers met with federal officials to determine a course of action. Traditional Indian leaders showed a concern that access to sacred sites, including cemeteries, had been hindered or barred, sacred objects

had been confiscated and wildlife conservation laws had denied or inhibited certain spiritual rituals. The Senate Select Committee on Indian Affairs conferred with American Indian leaders in 1977 to determine the advisability of legislative action. Consequently, on December 15, 1977, the Senate Select Committee introduced Senate Joint Resolution 102. Senator James Abourezk of South Dakota, Committee Chairman, expressed a major issue in the free exercise of American Indian religion:

Even the most ardent conservationist cannot match the need to traditional Indians for preserving eagles and hawks. For some plains Indians, much of their religion depends on the existence of these species. Yet, prohibiting the possession and exchange by Indians of feathers in one's family for generations, or the use of feathers acquired legally does not help preserve endangered species. It does prevent the exercise of American Indian religions.³¹

Less than a month later the Senate passed Resolution 102 by a voice vote.³² Two days after Senate passage of the resolution, a similar measure, H.J.R. 738, was referred to the House Committee on Interior and Insular Affairs. In July, 1978, both the Senate and the House agreed on the final wording of the act. In defending the act, Representative Morris Udall of Arizona, a co-sponsor of the bill, stated:

It is stating the obvious to say that this country was the Indians' long before it was ours. For many tribes, the land is filled with physical sites of religious and sacred significance to them. Can we not understand that? Our religions have their Jerusalems, Mount Calvarys, Vaticans and Meccas. We hold sacred Bethlehem, Nazareth, the Mount of Olives, and the Wailing Wall. Bloody wars have been fought because of these religious sites.³³

In 1978 President Jimmy Carter signed the American Indian Religious Freedom Act stating that: It is the fundamental right of every American, as guaranteed by the First Amendment of the Constitution, to worship as he or she pleases... . In the past government agencies and departments have on occasion denied Native Americans access to particular sites and interfered with religious practices and customs...³⁴

The act implies or indicates four concepts. It affirms the validity of American Indian religions and their right to protection of free exercise as well as freedom of belief. The act also recognizes that federal and state officials have abused American Indian freedom of religion. Finally, it instructs federal agencies to evaluate their programs and policies and to correct any regulations and common practices to bring them into compliance with the act.

The final report of federal agencies stated:

The most critical aspect of past federal treatment of Indian religious activities, practices, and sacred locations is that abuses have for the most part arisen from ignorance or misunderstanding on the part of the non-Indian. This treatment exemplifies what can happen to a religious minority when its traditions is radically divergent from that of a majority in a society.³⁵

American Indians had once assumed that they possessed freedom of religion under the First Amendment of the United States Constitution. As the cases cited above, and others not mentioned, have attested, American Indian religions have rarely enjoyed the status of protected religions. Indians have discovered that they have the freedom to believe but not the freedom to exercise their religions.

The American Indian Religious Freedom Act purports to limit religious infringement by federal agencies but other governments and private organizations are unaffected by this legislation. State governments and private opposition remain free to limit religious activities of Indians.

While the American Indian Religious Freedom Act directed a Task Force to recommend changes in existing federal policy to implement the philosophy and intent of the act, such policy alterations and regulations have been slow in coming. The officers of the Native American Church of North America, who have repeatedly recommended changes for most of these suggestions, have been ignored by the administration and Congress. In 1981 that organization passed a resolution stating:

The administration's failure to carry through with its recommended and necessary administrative changes and legislative proposals has rendered the American Indian Religious Freedom Act a nullity, which has left American Indian religious practitioners subject to the same infringements, and abuses at the hands of federal agencies...³⁶

Some federal agencies have tried to implement the act. The Federal Bureau of Prisons considers the Act as a directive to be followed. The United States National Park Service is negotiating possible harvesting of peyote by Native American Church members at Big Bend National Park in Texas; and the Fish and Wildlife Service has presented information on obtaining eagle and migratory feathers from the Service repository at Pocatello, Idaho.³⁷

While representatives of the Fish and Wildlife Service stated that they had "no intention of interfering with legitimate American Indian religious or cultural activities,"³⁸ they did exactly that when Department of Interior officials broke into Indian homes in the summer of 1983 to confiscate eagle and migratory bird feathers.³⁹ Although Native American Church members won court cases concerning possession of peyote, in the 1980s it appears that the peyote religion as well as traditional Indian religions would be attacked through their use of ceremonial feathers.

While all Indian religions endured confiscation and litigation tied to feather ownership in the 1980s, traditional Indian religions faced perhaps more important problems--barriers to sacred land sites, or, in some cases, a lack of barriers to non-Indians during spiritual worship. In 1981 the United States Supreme Court declined to hear a case involving Navajo access to a sacred site--Rainbow Bridge--and non-Indian desecration of that site. The Tenth Circuit Court of Appeals ruled that public interest outweighed Navajo religious interests. Navajos had requested exclusion of tourists during religious ceremonies; a request which the court held would isolate the establishment clause of the First Amendment.⁴⁰

The case--Badoni v. Broadbent--followed a Cherokee case heard by the Supreme Court the preceding year on similar arguments in which three Cherokee individuals and two Cherokee tribal organizations tried to restrain the Tennessee Valley Authority from flooding a valley which contained Cherokee burial grounds and other sacred sites.⁴¹ American Indian religions lost both of these

cases suggesting that the congressional act supplementing the freedom of religion clause of the First Amendment is indeed a "nullity."

In 1982 the National Indian Youth Council announced the formation of a campaign for American Indian religious freedom. They reminded the American people that abridgement of American Indian freedom of religion sets a precedent for further religious infringements. Non-Indian supporters rallied to the campaign, noting the disrespect with which non-Indians usually view Indian religious practices. As Senator Edward M. Kennedy stated:

... I think it is simply wrong to ask individuals to surrender basic rights so that others can ski, swim or buy beer. We would be outraged if a church or synagogue was razed or a cemetery disturbed for these purposes. We should understand the equal outrage felt by Native Americans when their "natural sanctuaries" are threatened...⁴²

American Indians in the 1980s have filed suit attempting to restrain non-Indians from building ski resorts with ski lifts soaring over Hopi and Navajo spiritual renewal rituals,⁴³ hiking trails with platforms cantilevered over Cheyenne and Lakota religious sites,⁴⁴ and recreational reservoirs in undated cemeteries of northwestern tribes. Of these American Indian religious freedom cases, the courts have decided only one in favor of religious freedom.⁴⁵

Why has American law failed to protect American Indian freedom of religion? Respect for Indian custom, traditions and religions has been slow in coming. Public and private members of the dominant society have emphasized the differences, the strangeness, and rarely the similarities with their own religions. Clearly the differences are fundamental, particularly in regard to relationships among God, humanity and nature. Christians and Jews perceive themselves as subduers of a cursed earth while Indians view themselves as only one part of an interdependent creation. As Ohiyesa (Charles Alexander Eastman, Santee Sioux) wrote: "The red man prefers to believe that the spirit of God is not breathed into man alone, but that the whole created universe is a sharer in the immortal perfection of its maker."⁴⁶

Such differences have made it difficult for non-Indians to credit American Indian religions with validity. It is not likely that the American Indian Religious Freedom Act will suddenly create in non-Indians an awareness, respect or tolerance for other religions. Attitudes which require conformity to an "American ideal" allow American law little chance to protect religious freedom of any minority or divergent group. American Indian religious freedom will require a change of that assimilationist attitude to one of cultural plurality or appreciation of diversity and the responsibility for effecting that change lies with those most affected--American Indians. Only then will all people--Christians, Jews, Muslims, Hindus, Peyotists, Buddhists and all practitioners of traditional native religious experience freedom of religion, beliefs and practices. Only then will "we be permitted to worship God in our own way."⁴⁷

CHAPTER 10
NOTES

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5. State v. Big Sheep, 75 Montana, 225-6, 243 P. 1068 (1926); Arizona v. Attakai, Criminal N. 4098, Conconino County, July 26, 1960; People v. Woody, 61 Cal. 2d 716, 394 P. 2d 813, 40 Cal. Rptr. 69 1964; Golden Eagle v. Johnson, 493 F. 2d 1179 (9th Cir. 1974), cert. denied, 419 U.S. 1105 (1975); State v. Whittingham, 19 Ariz. App. 27, 504 P. 2d 954 (1973); Whitehorn v. State, 561 P. 2d 142 (Oklahoma Crim. App. 1977).
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14. Unsigned Minutes of a meeting on paper with letterhead, "The First Legislature of the State of Oklahoma," dated January 27, 1908, Cheyenne-Arapaho Vice File, Box 1.

15. Letter from C.F. Larrabee to William E. Johnson, June 4, 1908, Cheyenne-Arapaho Vice File, Box 1.
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17. State v. Big Sheep, 1068.
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21. Letter from the Acting Commissioner of Indian Affairs, August 7, 1947, Bureau of American Ethnology File 32893, Smithsonian Institution, Washington, D.C.
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23. Sherbert v. Verner, 374 U. S. 398-409, (1963).
24. The Navajos Times, Window Rock, Arizona, June 27, 1963.
25. People v. Woody, 813.
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28. State v. Whittingham, 954.
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"Natives on the Alaskan Frontier"

After the United States purchased Alaska from Russia in 1867, it was understood that the Natives of Alaska would become the responsibility of the United States. In the 1930s the Natives constituted about half of the territory's population, but by 1959 as Alaska prepared for statehood, a census indicated that the Natives were outnumbered four to one--183,086 non-Natives and 43,081 Natives (including 14,444 Indians, 24,000 Eskimos and 5,000 Aleuts).

After waves of traders and explorers, Native life in Alaska was hard and meager. Nothing changed with the turn of the century. Taking initiative, the Natives formed the Alaska Native Brotherhood and Sisterhood in 1912, both consisting of native professionals in medicine, law, and other professions in an effort to assimilate into the growing Anglo-American mainstream while foregoing their native traditions. In the decades prior to World War II, life was abruptly changing. Presbyterians, Episcopalians, and Congregationalists brought their religions and teachers to educate the Natives. And to keep the people from starving, reindeer was introduced by the United States Government. New Deal reform under President Franklin Roosevelt was offered as Ramona Soza Hansen describes in her essay. How the Natives responded to the Alaska Reorganization Act of 1936 and the survival of the fishing industry is the thrust of her study.

The Alaska Federation of Natives founded in 1966 consisted of 300 Native leaders to better their conditions in their villages. To help them, Dr. Henry Forbes began the Tundra Times newspaper to keep the people updated on the news like the discovery of oil at Prudhoe Bay on Alaska's North Slope. This discovery provided the Native villages with a windfall and the pipeline soon stretched across the State to the forty-eight states, providing jobs and uplifting the Natives' economy. Fishing and native owned canneries had previously been the major source of income. Finally on December 18, 1971, the federal government enacted the Alaska Native Settlement Act that granted fee simple title of 40 million acres to be returned to the Natives, an unheard of action until this settlement. In addition, 962.5 million dollars was to be paid to thirteen Native corporations for compensation for the mineral rights to Prudhoe Bay. But the windfall settlements caused critical management problems for the Natives as they began a new era in their interrupted history. The following essay describes this troubled forty-five year period.

CHAPTER 11

NATIVE FISHING INDUSTRY UNDER THE ALASKA REORGANIZATION ACT, 1936-1971

Ramona Soza Hansen

Fishing among the native inhabitants of Alaska has been an integral part of their traditional subsistence, yet they have learned to improvise to earn their livelihood. Like many Native Americans who adjusted to new environments, adaptation has been the key to the preservation of the traditional realm of Alaska Native groups. After the turn of the twentieth century, local economic and federal political pressures in the fishing industry challenged the Alaska Natives' rights and traditional fishing method. Fishing water areas and fish traps of the Alaska Natives were seriously impacted by two important acts of Congress, the Alaska Reorganization Act of 1936 and the Alaska Native Claims Settlement Act of 1971.

D'Arcy McNickle, a Flathead Indian and past director of the former Newberry Library Center for the American Indian History, observed that Native American peoples of this century "seek greater economic security and proper recognition of their political rights, but they pursue these ends in order that their own societies may endure."¹ Alaska Natives are no exception. To assist them, the Alaska Reorganization Act (ARA) directed them in pursuing their economic and political rights for protecting their native fishing and way of life. Following a series of court cases that failed to resolve the fishing issue, the Alaska Native Claims Settlement Act (ANCSA) was enacted as a final solution.

Two years after Congress passed the landmark legislation, Indian Reorganization of 1934, it enacted the Alaska Reorganization Act during Franklin Roosevelt's New Deal administration. Over the next forty-five years, the Alaska Reorganization Act proved to be the legal instrument for the Natives to secure their fishing and maintain traditionalism in their communities.² But simultaneously the ARA periodically impeded the economic growth of the Alaska Natives and threatened their traditions. Intended as a reform measure, the Act will be investigated here for the effects of its actual provisions and how it has disrupted Alaska Native fishing.

Specifically, the ARA granted Alaska communities the right to form corporations and engage in private enterprise, yet that right was delimited indirectly through the judicial system. The results have created a paradox of legalities and confusion in Alaskan life as the communities unsuccessfully attempted to utilize their water resources by establishing fishing industries.

While it is true that the decline in the salmon runs and poor management contributed to the waning of these industries, a review of federal-Native relations indicates a precedent of court decisions that have suppressed Native fishing in Alaska. During the late nineteenth century, the United States government completed assigning the tribes to reservations. In the end, the government established 268 reservations in all. In cases where reservations did not yield an adequate subsistence of food and shelter, government purveyors issued rations, thus maintaining a "wardship" relationship between the tribes and the United States government. Persisting in their communal nativism, they continue to share a common land base and within that foundation age-old customs are carried on.

Congress perceived the reservation lands differently and believed that Native farmers could net agricultural productivity and capital by individually owning parcels of land. In 1887 the Dawes Land Allotment in Severalty Act was passed as a result of this popular view. Bureaucrats simultaneously supported the measure to convert tribal ownership into individual land ownership as a policy to assimilate the Indian population into the dominant society.³ This approach rejected traditional native values in an overall effort to transform traditional hunters and gathers into settler farmers. Like the Homestead Act of 1862 for white settlers, the Dawes Act intended to provide orderly Native settlement of the land. The Dawes Act divided the reservation land base among the tribal members, giving to each head of the family one-hundred and sixty acres, eighty to the wife/mother and forty apiece to the children for the purpose of promoting commercial farming.

Initially, the Act sought to dissolve the cultural differences that segregated Indians from whites. Congress erroneously believed native cultures would deteriorate under mainstream pressure whose political and economic institutions were dominant. The government's scheme faltered when Indian people did not abandon their native lifestyle and limitedly accepted the mainstream culture. Most importantly they rejected the concept of individual land ownership. Although much of their land base was allotted, the cultural realm remained intact as Indians continued to think and act as native tribespeople.

The failing of land allotment in the early decades of the twentieth century forced the federal government to revise its Indian policy. Under pressure from reform interest groups, Congress repealed the Dawes Act in 1934 by passing the Indian Reorganization Act (IRA).⁴ In brief, for tribes whose adult members voted to accept the provisions of the act, the IRA provided two methods to reorganize. Under a constitution, they could unite in situ and, if desired, under a charter of incorporation. Each measure functioned separately and had a different effect. Constitutions recognized political rights while the charter encouraged economic growth, security, and self-determination. To accomplish these goals, the IRA reconstructed community life on the reservations. If tribes lacked the capital to set up their own businesses, they could apply for loans from a ten-million dollar revolving fund.

D'Arcy McNickle basically viewed the IRA as an omnibus reform measure to help Natives restructure their tribal governments. He noted the "upward swing which retrieved the Indian population from peril in the first decade of the century was followed in the 1930s by a saving augmentation of physical resources and human spirit. The opportunities offered in the Indian Reorganization Act brought into use the capacity for social action which had never died in the Indian people, though it had been obscured."⁵ Indeed by the 1930s, Indian societies had survived, but the strain on them had jeopardized their traditions. The young people in the communities were the first to change, and they took on a less traditional outlook.

The government extended the IRA to all tribes except Oklahoma Indians and Alaskan Natives (Eskimos, Aleuts, and Indians), who were restricted from certain provisions. At first the Alaska Natives viewed the IRA as a possible reform measure for economic improvement. Like most people, they suffered during the Depression years and sought economic relief. Their communities, for the most part, remained intact since they were never placed on reservations and the Dawes Act was never applied to them. Optimism abounded with the idea of establishing corporations until the Natives learned that not all IRA provisions

applied to them. Although they could apply for certain benefits such as constitutions, the Act excluded them from organizing as corporations.⁶

The reason for their partial exclusion was the fact that they did not reside on reservations. Having relocated tribes to reservations, the government knew about available resources on the nation's mainland, but it lacked sufficient information on Alaska's land and water resources. In order to obtain loans to achieve economic security, the Alaska Natives requested the right to adopt charters of incorporation. This right was granted in 1936 when Congress passed the Alaska Reorganization Act. The ARA also allowed for the establishing of reservations in order to define ownership of land and water resources like reservations in the forty-eight states.⁷

Theoretically the ARA opportunities for economic development depended on the Natives' accessibility to the land and water resources. Felix S. Cohen, known for his expertise on federal-Indian law and involvement in protecting Alaska Native rights, noted the "Problems relating to the property rights of Alaskan Natives arise out of their activities in hunting and fishing," and "their use and ownership of the land ..."⁸ He realized that land resources were comparatively less important than water resources due to a sparse population and the land was ill-suited for agriculture. Consequently he wrote, "Fishing is the most important industry of Alaska and from time immemorial had been the principal source of food for the Natives."⁹ Not all of Alaska's Natives engaged in commercial fishing, but those who did participate most often were the Tlingits and Haidas of southeast Alaska. Both groups took steps to develop fishing industries under the ARA between 1936 and 1971.

The ARA permitted Harold Ickes, the Secretary of the Interior, to establish reservations in Alaska. This move promised economic security through a fixed but protected land base since the land would be held in trust with the United States. The government believed that by designating reservations, it was fulfilling "in part its moral and legal obligation in the protection of the economic rights of the Alaska Natives."¹⁰ The ARA stipulated that for the reservation to be accepted, not less than 30 percent of the tribal voters had to approve it.¹¹

In 1937 Commissioner of Indian Affairs John Collier proposed to set aside two reservations that included the Natives' traditional fishing grounds at Cook Inlet and Tyonek.¹² Interior Secretary Harold Ickes delayed his approval because he was uncertain whether section 2 of the ARA authorized him to set aside water adjacent to the land as part of the reservation. Seeking a solution, Ickes consulted Nathan Margold, the Chief Solicitor of the Department of Interior. After five years of reviewing the case, Margold delivered his decision on February 13, 1942. He acknowledged that the Natives' livelihood depended on fishing and that the majority of the corporations developing under the ARA were fish canneries. Margold's decision concluded that "the purpose of the Alaska Act would be seriously frustrated, if the reservations designated under it could not embrace the major resources of many of the Indian organizations."¹³

Felix Cohen, who became Assistant Solicitor of the Department of Interior, concurred with Margold's decision and further interpreted the ARA to include a sufficient water frontage to "protect and provide for the fishing occupations of the Indians. Although water in connection with the reservation of the uplands cannot be independently reserved under section two, waters adjacent to any land already reserved or being reserved may be reserved for the Natives occupying the rest of the reservation."¹⁴ Cohen's interpretation was based on the decision made in Alaska Pacific Fisheries v. United States (1918).¹⁵ In reference

to this case to support water reserves, he maintained it was "the intent of Congress that under section 2 only those adjacent waters may be reserves which are essential for the effective use and are an integral part of the reserved land...[and] the principal part of each reservation must be land upon which natives are actually residing."¹⁶ Both Margold and Cohen persuasively influenced the Secretary of Interior to designate land and water reserves to the Native groups.

By March, 1942, Secretary Ickes designated Alaska's first land reserve at Unalakleet. Between 1943 and 1950, five more reserves were appointed and accepted at Akutan, Karluk, Wales, Venetie, and Hydaburg.¹⁷ Ickes also attempted to establish reservations at Shishmaref and White Mountain. However, Natives of these villages rejected the proposed reservations, because they felt designated areas would confine and segregate them from their communities. Consequently only six reservations were established, but two of these reservations, Karluk and Hydaburg, possessed adequate water resources.

In the following year after the ARA was enacted, the Natives at Karluk had adopted a corporate charter to obtain loans for purchasing fishing equipment, repairing boats and to invest in the fishing business. After filing a request, a reservation with a water reserve was assigned to them at Kodiak Island on May 23, 1944. The purpose of the water reserve was to grant them a monopoly over the fishing resources, located within their new designated area and to help develop their fishing industry. The reserve consisted of approximately 35,200 acres and included the adjacent waters that extended 3,000 feet from shore at low tide.¹⁸ Fortunately for them, the reserve was strategically located to include several salmon spawning streams. Salmon in Karluk Bay and near the mouth of the Karluk River also provided a substantial catch for commercial fishermen. Trouble occurred on March 22 and August 27, 1946, when Secretary of Interior Harold Ickes, closed off the Karluk fishing reserve to all non-Natives fishing for salmon. In an attempt to protect the Natives' fishing interest, he applied Section 1 of the White Act of 1924 (43 Stat. 464), which delegated authority to the Secretary to protect and conserve the fisheries of Alaska by limiting and regulating the method of catching fish.¹⁹ Furthermore, he sought to protect the water reserve from white commercial fishermen, enabling the Natives to possess exclusive fishing rights to the Karluk water reserve.

Restricted from the area, Grimes Packing Company brought suit against the Regional Director, Frank Hynes, for enforcing the Secretary of the Interior's fishing regulation. In Hynes v. Grimes Packing Company, Grimes argued the Karluk water reserve was invalid because the Alaska Reorganization Act did not grant the Secretary of the Interior the right to establish water reservations. Grimes also protested that the regulation was not a conservation measure since the Natives were still allowed to fish. As such, the Secretary could not exclude them from fishing in the Karluk waters, and Grimes sought an injunction against the regulation.²⁰

In handing down his decision, Justice Stanley Reed held that in considering the importance of fisheries to the Alaska Natives, "we have concluded that the Secretary of the Interior was authorized to include the waters in the reservation." The Natives had won, but not on the provisions of the ARA. The judge continued, "No injunction therefore may be obtained because of the invalidity" of the Alaska Reorganization Act.²¹ But in deciding on whether or not the Secretary had authority under the White Act to set aside waters solely for the use of the Natives, the Court decreed:

We find nothing in the White Act that authorized the Secretary of the Interior to grant reservation occupants the privilege of exclusive commercial fishing rights. It seems also clear to us that the adoption of a corporate charter and a constitution by the Native village of Karluk ... can add nothing to the power of the Secretary under the White Act. "Exclusive," as used in section 1 of the White Act forbids not only a grant to a single person or corporation but to any special group or number of people.²²

The court concluded that the White Act was not intended to grant special privileges to a few, nor was it intended to benefit the Natives by granting them a monopoly over the fishing reserves. Instead, the Court stipulated as a safeguard that the reservation needed some type of regulation to protect its fisheries from non-Indians.²³

An important purpose of the ARA was to protect the economic rights of the Alaska Natives by conveying to them the idea that they could exclude others from using their reservation resources. The Court, however, had decided otherwise. With the Karluk water reserve left unprotected, the Native fishing businesses could not compete against the better equipped commercial industries, who begin to utilize the Natives' plentiful resources.

Within the next few years, the Natives lost two of their primary supporters. During February 1946, Harold Ickes resigned and Felix Cohen retired in January, 1948. Although Cohen left the government before the Karluk decision, he continued to follow the water reserve question. After the case, he counseled the Natives about ways to protect their reservation. The Natives took action by marking off the boundaries to their fishing reserves, enforced their local licensing ordinance, and hired lawyers to prosecute trespassers. Only one cannery, the Alaska Packers Association, obeyed the regulations.²⁴

In actuality, the regulations had only a slight impact since the Natives could not enforce their fishing laws. The problem was compounded by a lack of support from the new Secretary of the Interior, Julius Krug. Ickes had at least attempted to protect the Natives' resources by enforcing the White Act to eliminate non-Native fish traps on water reserves. The Natives were now on their own, especially the residents of Hydaburg, the only other village that possessed a water reserve. Under the current policy, it was the village's responsibility to protect and regulate their water reserve.

The Haida Indians at Hydaburg had adopted a corporate charter as early as 1938, and entered the fishing industry. On August 1, 1939, they requested a loan for the construction of a cannery, which the government approved in the amount of 142,000 dollars.²⁵ In order to earn a profit and develop their cannery, they accepted a land and water reserve in 1950.

Hydaburg, like Karluk, regulated their fisheries by excluding commercial fish traps from their water reserve, although the regulation had limited success. Seeming not the least bit concerned, Libby Packing Company ignored it and set their traps on the Hydaburg Reservation. In immediate response Hydaburg brought suit against the company in United States v. Libby, McNeil & Libby. The case was heard by the District Court of Alaska on October 7, 1952.²⁶ In defense, Libby argued they had been granted a license from the War Department to operate their traps at the particular site in question. (Licenses for fish traps were granted by the War Department to insure that traps did not obstruct navigation. In granting licenses, the War Department worked with the Bureau of Fisheries and granted permits to only those traps approved by fisheries.) The Libby defense asserted that the Natives had not occupied the land set aside as a

reservation prior to May 17, 1884, as stipulated by section 2 of the Alaska Reorganization Act. Therefore, Libby maintained that Hydaburg was an illegal reservation.²⁷

After hearing both sides's arguments, the court held that under the ARA, lands designated as reservations were to be occupied on or before May 17, 1884. Testimony revealed the Haidas residing at Hydaburg, had previously lived at Howkan and Klinkwan, and had not moved there until 1912.²⁸ In view of the situation, the District Court pronounced that Hydaburg did not represent a bona fide reservation. Furthermore, the court declared the reserve invalid because it was a part of the National Forest and not "public land." According to the ARA, only lands described as "public lands" could be set aside as Indian reservations, and National Forest areas could not be re-designated as a reservation.²⁹ Under these conditions the court declared that the Hydaburg Reserve was invalid and the resource-rich area was reopened to all kinds of fishing, jeopardizing the future of Alaskan Native fishing.

Dissolving the Hydaburg Reserve under the decree of the Libby case was the major factor contributing to the failure of the Natives' cannery. A Task Force studying Alaska Native Affairs reported that the success of the Native-owned salmon cannery depended largely upon the amount of fish caught. "Consequently, there must be not only good fish runs, but boat crews who can get to the areas where these runs occur and take the maximum amount of fish." Repercussions had already begun when Hydaburg could not compete successfully without a water reserve and because of inferior boats and gear. Thus, it became impossible for their corporation to compete with non-Native industries like Libby. By 1964 the Hydaburg Corporation was 19,000 dollars in debt. The Bureau of Indian Affairs declared the cannery in default and closed it down for the 1964 season.³⁰

Shortly after the Libby case, Indian rights champion Felix Cohen died. Interestingly, after his death no further attempts were made to establish ARA reserves, especially when the Natives realized that their water reserves could not be protected. In addition, the government offered no defense to protect Alaska Native corporations. The lack of protection became more visible during the 1960s when, once again, a controversy emerged concerning Native fish traps. This particular conflict not only questioned the methodology of using fish traps but whether the government had a responsibility to protect the ARA corporations which did not have reservations.

The villages of Angoon, which had adopted a corporate charter in 1939, and Kake, that adopted its charter in 1948, became targets of criticism.³¹ Both communities operated salmon canneries but neither had accepted reservations from the government. The villages' inhabitants depended upon the canneries for jobs and profits for their only source of income. In turn the canneries depended on the amount of fish caught totally from traps, but this traditional fishing method drew criticism. Trouble began when the right and privilege of operating fish traps became the subject of debate as Alaska approached statehood in 1959. Again, Native fishing was jeopardized when a new state law made fish traps illegal as a cautionary safeguard to protect wildlife.³²

The State of Alaska maintained that it was necessary to abolish fish traps as a conservation measure to insure plentiful salmon runs. The traps in question were actually owned and operated by non-state residents, except for those operated by Native villages. The fish trap was therefore looked upon "as the dipper with which the large absentee owner appeared to skim with relative ease the cream of one of the regions most valuable natural resources, and then

carried away to the outside the fullest part of the wealth so garnered."³³ Hence, when Alaska outlawed all fish traps, it included those owned by Natives. This action surprised the Natives who did not expect this kind of response. In fact, they supported the idea of abolishing the absentee-owned fish traps, (but not their own) because the owners refused to hire them. With the elimination of absentee-owned traps, the Natives believed there would be no outside competition, thus giving them a monopoly. Instead, they lost another legal battle.

A report from the Bureau of Indian Affairs acknowledged that some Natives did benefit from the use of traps. The Metlakatla villagers, for example, "enjoyed an income and standard of living substantially greater than those of any other village." Indian Bureau officials concluded that "the basis of comparative prosperity rested in the fish traps and salmon cannery owned by the village, which retained the profit produced by both."³⁴ Since both Angoon and Kake relied on trap fishing, they joined Metlakatla as a united front in protesting the Alaska law abolishing all fish traps.

The law particularly concerned the Kake people because the profits they once reaped from its cannery was their community's livelihood. In 1959 Kake predicted a profit of 8,672,000 dollars, based on an estimation that their fish traps supplied one-fourth of the salmon caught for the cannery.³⁵ Plans for the profits included purchasing water pipes for transporting clean water to the community and supplying the town with electricity. Hence, trap fishing was essential to Kake's living conditions in striving to reach parity with modern living standards. Jeopardized needs of the community impelled village leaders to take a stand on behalf of their people. Their stated position was a firm one. "Ponder the fact that neither suitable water, or an adequate supply of it, such as it is, is available: That sickness at epidemic proportions had threatened, and still does threaten, our people." Acknowledging their destitute condition, the Native officials attempted to make the rest of Americans and particularly federal bureaucrats cognizant of their conditions to provoke reform assistance. They asked, "Can anyone here deny us the right to maintain and continue a legal fight to ... have water to drink, health that it brings, light and warmth to the homes and the schools and the churches that we cherish? ... We seek only peaceful solution by legal means." Without assistance the coming years would be even worse. The leaders stated, "Our economic future is at stake because we do not believe that we can maintain the operation of our enterprise without fish traps and we do not believe there is any legal basis for depriving us of them."³⁶ But Kake was mistaken when the court did find a legal basis for depriving them of their fish traps in Organized Village of Kake v. Governor Egan.

This case emerged in 1962 when Kake and Angoon, communities that had developed canneries under the ARA, filed a joint suit against the Governor of Alaska.³⁷ (The village of Metlakatla filed a separate suit on their own since they had reservation status.) The central issue was whether or not the Native fishing rights, (in this case off the reservation), were subject to state law. In handing down his decision, Justice Felix Frankfurter pointed out the White Act did not grant immunity from state law. In citing an earlier case, the Court argued the White Act "authorized the Secretary to limit fishing times, places and equipment in order to conserve fish but forbade him in doing so to create exclusive rights, even for Indians."³⁸ As such, the Court pointed out that the Secretary could not rely on the White Act for authority to permit Native fish traps at Angoon and Kake, contrary to State law.

The Court then reviewed the increase of state laws over reservations. It noted conditions of improved health and education on reservations and some were granted civil and criminal jurisdiction. In light of this, the Court held that "Congress ... opened the door of reservations to state laws, in marked contrast to what prevailed in the time of Chief Justice [John] Marshall."³⁹ Previous court decisions indicated that even on reservations, state laws may apply as long as it did not "interfere with reservation self-government or impair a right granted or reserved by federal law."⁴⁰ The Court argued conclusively that neither Angoon or Kake had reservations, therefore Alaska's state regulation of off-reservation fishing did apply because it did not "impinge on treaty protected reservation self-government." For the same reason, the State could deny fish traps for the two villages.⁴¹ Thus, the Court concluded Congress had neither authorized the use of fish traps at Kake and Angoon, nor had it empowered the Secretary of the Interior to do so.

The initial circumstances involving the use of fish traps at Metlakatla differed from Kake and Angoon. Metlakatla had a reservation that Congress had designated in 1891. Twenty-five years later, Metlakatla established a cannery and was given a water reserve to supply fish for its cannery. Under these circumstances, the Court observed the water reserve was created to supply the cannery with fish at a time when fish traps were legal. These circumstances changed. The Metlakalans were citizens of the State of Alaska and the Court decreed, "They are as prosperous as the average fishing community of Alaska, if not more so. They are no more entitled to or in need of fishing advantages over their fellow citizens ... and we do not believe that Congress intended [this] ... continue after Statehood."⁴² The Court ruled that the Metlakatla water reserve did not survive statehood, therefore, their fish traps were to be abolished under state law.

The decision handed down in Kake v. Egan disappointed the Natives. For over thirty years from the time they adopted corporate charters under the ARA, the Natives had attempted to secure fishing industries. In order for their fishing businesses to profit, they relied on fish traps and the protection of their water reserves. Unfortunately the law impeded their path when all three cases mentioned ruled against the ARA fishing corporations. Kake proved to be the most detrimental because it demonstrated that without legal rights, the tribes lacked self-government and had no official control over their own resources when there was no reservation involved. This reflected on the majority of the Natives even though only a handful of villages had accepted reservations.

In retrospect of the reservations established under the Alaska Reorganization Act, the water reserves failed to protect the Natives' most vital resource, fisheries. Specifically in reference to Hydaburg, the reservation system did little to secure the land base for the Natives. Endless legal opposition halted when Congress passed a major claims settlement act in 1971. In complete contrast to the failings of the ARA, the Alaska Native Claims Settlement Act (ANCSA) promised to be much more beneficial because it conferred a total of 40 million acres to the Natives, plus an enormous monetary settlement of 964 million dollars for lands taken from them.⁴³ In comparison in terms of land and money, the ARA reserves were not suited to meet the Natives' demands. In this sense, ANCSA succeeded in doing what the ARA had failed to do, and that was to settle the land question. In doing so, however, the ANCSA did not address the Native fishing rights issue. Under the current policy and ANCSA conditions, Natives may fish for subsistence purposes only according to state laws and regulations or join the highly competitive commercial fishing industry

with the same rights and privileges accorded all American citizens. One might ask whether the ARA or the ANCSA established a better relationship between the Natives and the federal government. At least under the ARA, the courts upheld the water reserves while the major problem that the Natives faced was how to protect their reservations.⁴⁴

The Alaska Native Claim Settlement Act also provided for twelve regional and over 200 village corporations. One of the main purposes for the establishing ANCSA corporations was to financially secure the people through business ventures. In most ways it resembled the ARA corporations with the exception that ANCSA corporations obtained land. As such, there emerged a shift away from the fishing industries. Under the ANCSA, land became the most important resource because of its lumber and minerals. Thus, Felix Cohen's observation that "Fishing is the most important industry" of the Alaska Native no longer is true. Since the ARA has been replaced by the ANCSA more than fifteen years ago. The success of the newly developed corporations depends on how effectively the Natives will make use of their land and experience from the ARA--a promising situation that will net an interesting history of recent economic development in Native Alaska.

CHAPTER 11
NOTES

1. D'Arcy McNickle, *NATIVE AMERICAN TRIBALISM* (New York: Oxford University Press, 1973), p. 13. The Center for the History of the American Indian was renamed The D'Arcy McNickle Center for the History of the American Indian in 1983.
2. Alaska Reorganization Act, Statutes at Large 49, 1250 (1936).
3. For a complete discussion of the Dawes Act, see D.S. Otis, *THE DAWES ACT AND THE ALLOTMENT OF INDIAN LANDS* (Norman: University of Oklahoma Press, 1973). Senator Henry L. Dawes of Massachusetts introduced the act, although he basically opposed theory of allotment because it would cause considerable harm to Native Americans.
4. Indian Reorganization Act, Statutes at Large 48, 984 (1934).
5. McNickle, *NATIVE AMERICAN TRIBALISM*, p. 94.
6. Indian Reorganization Act, section 13. This section pointed out that only sections 9, 10, 11, 12, and 16 applied to the Territory of Alaska. Thus, section 17 which granted the right to incorporate was excluded.
7. Alaska Reorganization Act, Section 2. Under the ARA, which was approved on May 1, 1936, sections 1, 5, 7, 8, 15, 17, and 19 of the Indian Reorganization Act of 1934 were included.
8. Felix S. Cohen, *FEDERAL INDIAN LAW*, 3d. ed. (Albuquerque: University of New Mexico Press, 1968), pp. 407-408.
9. IBID.
10. U.S. Congress, House, Committee on Indian Affairs, To Extend Certain Provisions of the Act Approved June 18, 1934, Commonly known as the Wheeler-Howard Act, To the Territory of Alaska, Provide for the Designation of Indian Reservations in Alaska, and for other Purposes: Report to Accompany H.R. 9866, 74th Cong., 2nd sess., 1936, H. Rept. 2244, p. 4.
11. Alaska Reorganization Act, pp. 1250-1251.
12. Kenneth R. Philp, "The New Deal and Alaskan Natives, 1939-1945," *PACIFIC HISTORICAL REVIEW*, Vol. 50, (August, 1981), p. 316.
13. U.S., Department of Interior, Office of Indian Affairs, *OPINIONS OF THE SOLICITORS OF THE DEPARTMENT OF THE INTERIOR RELATING TO INDIAN AFFAIRS 1919-1974* (Washington: Government Printing Office, n.d.), p. 1104.
14. Cohen, *FEDERAL INDIAN LAW*, p. 413.
15. Alaska Pacific Fisheries v. United States, 248 U.S. 78 (1918).

16. Cohen, FEDERAL INDIAN LAW, p. 413.
17. U.S., Congress, Senate, Committee on Interior and Insular Affairs, Alaska Indian Reservations, Hearings before a Committee on Interior and Insular Affairs, 81st Cong., 2d sess., 1950, p. 31.
18. IBID., p. 31.
19. Frank Hynes v. Grimes Packing Co., 337 U.S. 86 (1948), pp. 1231, 1238-1239.
20. IBID., pp. 1231-1264.
21. IBID., p. 1254.
22. IBID., p. 1257.
23. IBID.
24. David Case, THE SPECIAL RELATIONSHIP OF ALASKA NATIVES TO THE FEDERAL GOVERNMENT (Anchorage: Alaska Native Foundation, 1978), p. 40.
25. U.S., Congress, Senate, Committee on Interior and Insular Affairs, Repeal Act Authorizing Secretary of Interior to Create Indian Reservations in Alaska, Hearings before the Subcommittee of the Committee on Interior and Insular Affairs on S. 2037. 80th Cong., 2d sess., 1948, p. 93.
26. United States v. Libby,. 107 F. Supp. 697 (1952).
27. IBID., p. 699.
28. IBID., p. 701.
29. IBID., pp. 702-703.
30. "Hydaburg: A Dying Town," The Ketchikan Daily News, Alaska, July 13, 1967.
31. George E. Fay, CHARTERS, CONSTITUTIONS AND BY LAWS OF THE INDIAN TRIBES OF NORTH AMERICAN, PART 16 ESKIMOS AND INDIAN VILLAGES OF ALASKA (Greeley: University of Northern Colorado, 1980).
32. Kake v. Egan, 369 U.S. 59, 82 S. Ct. 562 (1962).
33. George W. Rogers, ALASKA IN TRANSITION (Baltimore: Johns Hopkins Press, 1960), p. 11.
34. IBID., p. 12.
35. "Report to the Yakutat Convention," by the Organized Village of Kake.

Papers of William L. Paul Sr., Box 2, Manuscript Division, University of Washington, Seattle.

36. IBID.

37. Kake v. Egan, (1962).

38. IBID., p. 564.

39. IBID., p. 570.

40. IBID., p. 571.

41. IBID; a supportive court case is Williams v. Lee.

42. Metlakatla v. Egan, 362 p. 2d 910 (1961), p. 931.

43. Alaska Native Claims Settlement Act, Statutes at Large, 85, 688 (1971).

44. Hynes v. Grimes, (1948).

"The Urban Indian Frontier in Cities"

During the decades prior to World War II, and especially in the 1950s, a steady stream of Indians from reservations and rural allotments moved to large urban areas. The effects of an estimated 12,000 Indians fighting in World War I, migration from Oklahoma during the Depression, and 25,000 Indian men serving in World War II (with 40,000 to 50,000 working in the war industries) have produced the "urban Indian." Most important, the federal government's Relocation Program, started officially in 1952, has caused a dramatic urban shift in the American Indian population of approximately 1.5 million. At present, almost half of the population resides in cities like Los Angeles area which has an estimated 50,000 Indians. Other metropolitan areas with Indians include (approximately) Chicago (13,000), Oklahoma City (15,000), Denver (15,000, and the San Francisco Bay Area (18,000). Additional large urban Indian populations are in Minneapolis, Seattle, Albuquerque and Phoenix.

In the following essay, Carter Blue Clark assesses the literature on urban American Indians and recommends corrections of misconceptions and methodologies in research on urban Indians. Thus far, geographers, sociologists, and anthropologists have led the way in urban Indians studies. But there is still much to be done in understanding the adjustment of the traditional-oriented rural Indian to the street life of mainstream urbanization in a large, overwhelming city.

Undereducation, inadequate qualifications for well-paying jobs, poor housing, inconsistent employment and alcoholism are on-going problems for urban Indians. Federal assistance came as early as 1957, with the Indian Vocational Training Act authorizing three kinds of program to train Indians in job skills. But, for the most part, urban Indian themselves and concerned individuals have started programs, such as one for alcoholic treatment, or Indian Centers like St. Augustine's in Chicago which offers temporary shelter, meals, and counseling. Other Indian centers sprung up in Kansas City, Seattle, Dallas, Los Angeles, Oklahoma City, and Oakland. Efforts have been made to help elder Indians who live in enclaves in the cities. Too often still, urban Native American populations reside in urban ghettos, but this trend is changing as the people become more educated and qualify for successful professions.

CHAPTER 12

BURY MY LUNGS IN SMOG: ASSESSING URBAN INDIAN STUDIES

Carter Blue Clark

Nearly fifteen years ago, Professor Robert Berkhofer Jr., in an essay entitled "The Political Context of a New Indian History" called for a new, dynamic, more comprehensive history of the American Indian in the United States. An ethnological approach that encompassed new methodologies, yet assessed old themes such as "persistence and change" would in his view, answer the strident demands of militants and satisfy the desires of mossbacks in academia.¹ Much has been produced in the intervening time period that is new in its historical interpretations, ranging from the controversial fur trade analysis of Calvin Martin's *KEEPERS OF THE GAME* to the more conventional yet pathbreaking ethnohistorical treatment of the Potawatomis by R. David Edmunds in *THE POTAWATOMIS, KEEPERS OF THE FIRE*. In spite of the length of time that has passed since Professor Berkhofer's request, no such new approach to the topic of "urban Indians" has appeared in print to suffice his request, particularly from historians.

As more sources become available, the opportunity becomes most appropriate for historians to assess Indian urbanization. Twentieth-century Indian studies are now "legitimate", according to Francis Paul Prucha, former President of the Western History Association, during his address to the Salt Lake City conference in October 1983.² The inexorable flow of American Indians into cities and towns in this century, and as the general population becomes more urbanized, means that the historical profession will at some point soon have to come to terms with the "urban Indian." The first urban Indians were transmuted traditionalists who became a heterogenous breed of basic tribal cultures and modern America, surviving in the metropolitan areas. Their offspring produced the current urban Indian generation. By our present decade, some 600,000 Indians reside at least part of their lives in towns and cities.³

In the past, histories of Indian people have predominantly been concerned with federal-Indian relations and scholars have extensively depended on federal documentation as their chief research sources for producing studies about contemporary Indians. One of the leading proponents of extracting the valuable information from government documents has been Francis Paul Prucha. His book, *THE CHURCHES AND THE INDIAN SCHOOLS, 1888-1912* helped to usher scholars and interested readers into the twentieth century.⁴ The focus of his work examined the policies of the various religious denominations and the government, which altered Indians' lives as the people began another one-hundred years of Indian-white relations.

The interruption of World War I during the allotment period for Native Americans found an enthusiastic exhibition of Indian participation in the war effort. Such patriotism earned all Indian Americans an invitation to become United States citizens via legislation in 1924. As the Roaring 20s gave way to the years of the Great Depression with little general improvement in Indian living conditions, the period of President Franklin Roosevelt's New Deal program changed the perpetuity of impoverished reservations as a trickle of Indian Americans began to leave to earn their livelihoods in cities. Several years later, Native Americans volunteering to serve in World War II convinced the federal government that reservations could no longer support their Indian

populations, and the people were ready to begin new lives in the cities. This experience has begun a new area of interest for historians, (although geographers and anthropologists have studied this subject several years earlier).

Historians and their conventional usage of government archival research are now addressing the subject. A recent example of this type of methodological approach to Indian history focusing on the urban 1950s is Larry Burt's recent major study, *TRIBALISM IN CRISIS: FEDERAL INDIAN POLICY, 1953-1961*. He follows a familiar pattern of relying upon the federal government archives to tell the full story of the Indian at mid-century, particularly the Indian in cities. After a discussion of Indian skepticism about the Navajo Emergency Education Program and various congressional transfer measures, Burt treated urbanized Indians in the following bureaucratic view:

When [Commissioner Glenn] Emmons came to office, the relocation program had helped move about twenty-six hundred Native Americans annually to Chicago, Los Angeles, Denver, or Salt Lake City. From the BIA's overworked and undermanned staff, most received minimal aid in finding a place to live, using telephones, opening checking accounts, and reading city maps. About 25 percent of the least affluent also received material help, including funds to cover the costs of transporting an individual's family and household goods or subsistence money until a job could be found. The only employment available to unskilled relocatees was at the bottom of the wage scale. Housing naturally had to fit within BIA resources and Indian incomes, and that invariably meant lower-class neighborhoods. Emmons repeatedly emphasized the voluntary nature of the program, but slick, high-pressure advertising, combined with a lack of alternatives, often made the choice to relocate an inevitable one...⁵

The problem here is that urban Indians have also bureaucratized like *their* reservation brethren in a dehumanizing treatment, so that we fail to understand the human experience of a migrant people adjusting to the big city. American Indians are one of many minority groups that have been urbanized, but they have special problems that are unlike other groups. Their traditional values, behavior patterns and lifestyle are in contrast to the urban white American.

Meanwhile, the federal government has tried to treat them like other minority groups who "desire" to assimilate into the American urban mainstream. Professor Burt examined the application process for placement in cities, the loose screening done in selecting candidates, and the insensitive lack of bureau follow-up of relocation successes and failures. His primary focus was on federal policy, based on government documents largely gleaned from federal archival sources. Additional pertinent data could have been collected from less conventional sources like oral history accounts which consist of personal testimonies from Indian relocatees who remembered the cultural shock and the difficult adjustment of life in the city. Too hard to forget, Native Americans are now preserving their memories of urbanization on tape recordings that are later transcribed. At present urban Indian communities in Los Angeles, Chicago, Dallas, and the San Francisco Bay Area are collecting oral accounts.

The major problem for the historian in dealing with recent history has been a limited amount of documentary evidence--a danger that historians have to contend with. Naturally the problem grows more serious as the scholar's research approaches the present day. Moreover, a unique aspect of recent Indian history is that the national government's documentary records do not contain

information on the vast majority of relocated Indians. Hence, a complete picture of the late fifties' urban Indian scene is not possible for the typical historian who relies only on federal documents since this material does not exist in the national government's archival holdings. This would mistakenly lead one to presume that only federally-relocated Indians moved to the cities. Since the preponderance of town-dwelling Indians came to the city without government sponsorship and without government knowledge, no amount of digging in federal archival repositories will reveal the full scope of Indian urbanization. This substantiates the following fact. Much of Indian urbanization had taken place outside the formal structure of federal Indian policy, especially since World War II. Scholars should therefore be warned to examine unconventional sources as well as traditional ones in researching urban Indians.

Furthermore, Bureau of Indian Affairs' (BIA) records encompass only one-fourth to one-third of the Indians residing in towns and cities of the United States. Actually the placement and relocation offices assisted only approximately one-third of the urban emigrant Indians.⁶ Although federal policies did have important impacts upon Indians directly and indirectly, relocation did not sponsor the bulk of the urbanized Indians.

Perhaps nowhere else in the Indian history field is the break with the Indian policy framework of the past as essential as it is in urbanization. Historians will have no choice but to break away from past practices, if they are to thoroughly examine Indian urbanization. Records that the scholar is accustomed to using simply do not exist for enabling the academician to produce insightful studies about urban Indians. Therefore, historians must also turn to new methodologies in order to locate sufficient sources and necessary data for completing fresh studies.

Urban Indian history calls for examining cultural history resources lying outside the confines of the "old" history. A valuable lesson can be taken from the new social historian who deals with Indian urbanization by applying new methodologies such as quantitative data or oral history interviews. But, by no means should traditional methodological research be discarded all together. In particular as an example, researching the confines of Indian "policy" plays a paramount part in the modern story of the first American and should be included in any treatment of the urban Indian subject.

Bountiful availability of oral history interviews gives us another valuable source that can be utilized as resource materials. A plethora of oral history transcripts is commonly known as the Doris Duke Collection, housed at various universities and repositories throughout the nation. For instance, the Duke tapes shed pertinent light on the urbanization experiences of American Indians, a topic that traditional scholars pass over as serious history. This is an interesting point, especially since Chicago resident Studs Terkel has edited six books of oral history accounts on particular subjects excluding his last work focusing on memories of World War II, entitled *THE GOOD WAR*.

Such disinterest in recent history prevents us from learning the extent of development in tribal communities and the progress of federal-Indian relations. Oral history transcripts can confirm long held assumptions about urban Indians and invite new perspectives. For instance, Glover Young was an Indian who relocated to Los Angeles. Like most urban Indians, he experienced a difficult adjustment period to the city environment and he needed help. From the Duke transcripts, we can easily ascertain that many American Indian residents in cities came there because they had a brother, or other relative, who broke the path before them.⁷ Young was unique, however, in that he made contact with the

Los Angeles relocation office at the Bureau after his arrival in that city. And then, he received financial support for machinist training. He became steadily employed while making the social and cultural adjustment to Los Angeles.

Many more Indians in the Los Angeles area received private assistance either from relatives or from a community organization. In these cases such assistance was not officially connected with the federal relocation effort. In addition, urban Indian centers helped to provide the necessary assistance for successful adjustment, at least for a temporary period.⁸ Quaker, Presbyterian and other Protestant church groups figured prominently in the assistance provided to arriving Indians in other metropolitan areas. As an example, the Los Angeles Welcome House received funding and support from various members of the Protestant Community Church Council during its early years. Indian organizations have also helped Indian people. Indian congregations, Indian social clubs, and other cultural and social groups have supplied the largest institutional share of basic services to urban Indians.

The oral history tapes reveal another interesting facet of urban experiences that differ markedly from that described in the Bureau of Indian Affairs' files. This "new dimension" in Indian history reveals the Indians' anger and frustration over their perception of what the role of the Bureau should have been in urban relocation.¹⁰ One of the most often expressed grievances against the Bureau of Indian Affairs was the lack of support for Indian families once they were in the city. Oral history interviews stressed this issue. Time and again the interviewees in the Duke Collection either extolled the efforts Bureau officials made to assist Indians, especially if they had been in the BIA structure, or expressed frustration and bitterness at the minimal help that was provided. One relocatee refuted, "I said, I told the [BIA] lady, I said, well, we didn't have much where we came from, but we had better than this and we were supposed to come out here to improve ourselves! ..." ¹¹ Conversely the official written documentary record in support of the federal Indian service reveals just the opposite viewpoint from that of the Indian critic in the Duke tapes.

Several other, but smaller, oral history projects among urban Indians also promise potential resources for researchers probing the subject of Indian urbanization. One of these new projects includes the current Chicago American Indian Oral History Project which offers new insights and fresh information about city emigration, the federal government's role, and the varieties of Indian adjustments to Chicago and its environs. Tapes and their transcripts are presently housed both in the Newberry Library and in the Chicago Indian community. A similar project occurring in the San Francisco Bay area is the San Francisco Friendship House Oral History Project. Another project, the Phoenix Indian Oral History Program, is gathering urban Foxfire-type data from Indian people in that vicinity, while Detroit and Grand Rapids, Michigan and Dallas, Texas have small collection projects that could be expanded to broaden the scope of research data on Indian urbanization. These taping tasks will supplement, and perhaps, add to future federal perspectives in the documentary records. Essentially the Indian viewpoint from oral history interviews will counter the government officials' versions to achieve a balance in striving for fuller accounts of Indian urbanization. By examining more than one set of research data (federal documents), a more accurate record of the subject is possible.

Another area of research for the researcher is examining the records of urban church groups. Unfortunately urban Indian congregational contributions toward American Indian survival are barely in the literature dealing with

American Indians.¹² Because of the tendency for some American Indians to belong to more than one church group, tracing the urban Indian churchgoer always presents a challenge. The spiritual support for the town-dwelling Indian family sustained them just as did the food provided them during the frequent lay offs from work. Social companionship came from the churches' Fifth Sunday sings, bake sales, quilting bees, or from visitations to the family during crises. Indian elders participate in Indian church activities just like tribal elders participate in powwows in the same communities. Sometimes they are one and the same individuals.

Indian center or church group newsletters furnish information on community-wide events in cities that attract Indian gatherings. The cultural historian of the urban Indian can find additional material on child care, job skill training programs, cultural gatherings, governing board controversies, and municipal conflicts among Indian residents of cities. Surprisingly, much photographic evidence exists in the center or church groups' newsletters. Buildings, marches, ceremonies, banquets, and other topics are also the subjects of the newsletter art director. Art exhibitions by Indian artists who are returning to tribal themes that are combined with contemporary approaches to subjects, such as in the work of the Cherokee-Chickasaw artist Virginia Stroud, reveal some of the mixture of reservation themes with city life. Indian center and church group newspapers, as well as Indian Education center mailings, provide further coverage for artistic renderings expressing the impacts of the urban frontier upon American Indians.

Films and documentaries offer a glimpse into the Indian experiences in the city that sometimes differ from the written record. Two presentations of the adjustment difficulties faced by Indians in this century that offer an examination of the institutional impact upon the American Indian people include Bill Moyer's work, "Why did Gloria Die?" It is an investigation of Twin Cities' social services problems. Similarly the motion picture "Run, Simon, Run" with a 1970 Burt Reynolds involved with law enforcement officials in and near Tucson, (off and on the Papago reservation) also illustrate urban Indian maladjustment to new norms and the white man's laws. In a different light, the documentary "Ten Thousand Beads for Navajo Sam" offers a positive image of a successful family adjustment to the difficulties of city life with imagery shifting between the Navajo reservation and Chicago.

Other scholars of different disciplines like ethnohistorians and anthropologists can assist the historian in finding materials for urban Indian studies. Field notes from urban interviews can offer non-federal sources for insights into Indian emigration. Social service records that are not prohibited through privacy restrictions can yield patterns of problems and successes in the immigration to the city and for demographic patterns of movement within the cities. Statisticians and demographers dealing with family and neighborhood history can offer methodology for peering into what are now little-seen aspects of whether the impact of emigration falls most heavily upon the woman or the man, with the evidence thus far pointing to the woman being most affected. Perhaps new techniques will tell how relocation altered Indian educational patterns. Even with the emphasis now pointing towards improvement, high dropout rates persist.

Examining the records of social work among Native Americans in cities is another source of information, if access could be gained without violating personal cases. For instance, investigations by social workers and dieticians could reveal if urban Indian family's switch to an urban diet had improved their

children's nutrition or merely increased the sugar and starch intake without producing good health.

From another field, the sociologist can bring tools to bear on the question of whether urban residence has become worse or does it lessen the incidence of Indian substance abuse or spouse assault. The upshot here concerning scholars of various backgrounds is that other professions can also lend their expertise to the study of urban Indian historical questions.¹³

The most important ingredient in the history of urban American Indians is the native person. When working on the subject, the historian must take into consideration the personal perspective of the Indian individual. Not just the fact that the topic is Indian should be noted, but the fact that the member of the indigenous culture representing a distinct tribe(s) thinks differently about the city. Some opinions, such as distrust of the city, may be shared, but other viewpoints may sharply vary. The Indian person may welcome the rain to cleanse the air, water the trees, and being touched by the rain drops from above. The Indian person may view historical time differently, with less emphasis on exact dates for events and a greater tendency to stress the human relationships of occurrences. The American Indian might approach the issues of the urban location in a cyclical and circular philosophical attitude as opposed to the linear and progressive viewpoint of the scholar. Much of the behavior of city dwellers may appear to be abnormal to one more accustomed to the largely rural atmosphere of the reservation. Some professionals have attempted to adapt Indian models to city problems of alcoholism, as seen in a women's or men's lodge for treatment, or in providing a supportive tribal-like environment for solving adjustment problems.¹⁴

In a final comment, a fuller methodology is necessary to research a wider range of resource data for the historical study of the urbanized Indian American. All of the native insights that can be marshalled are needed to provide a thorough picture of the late twentieth-century Indian, who remains even in the mid-eighties the least studied minority, least visible, and most ignored among all of the categories that Indians are placed in by the larger society.¹⁵ Not only is the urban Indian among the poorest in economic terms within the United States, but the urban Indian is the poorest served by the scholarly profession. To fulfill Professor Robert Berkhofer's request for a more accurate and responsive history of American Indians, the practitioners of history will have to adapt and change just as the emigrant Indian must when entering the city.

CHAPTER 12

NOTES

1. Robert Berkhofer Jr., "The Political Context of a New Indian History," *PACIFIC HISTORICAL REVIEW*, Vol. 40, (August, 1971), p. 368.

A theme echoed by participants in David Beaulieu, ed., *BREAKING BARRIERS: PERSPECTIVES ON THE WRITING OF INDIAN HISTORY*, Occasional Papers Series No. 1, (Chicago: Center for the History of the American Indian, The Newberry Library, 1976). Relevant titles on urban Indians are in Russell Thornton, Gary Sandefur, and Harold Grasmick, *THE URBANIZATION OF AMERICAN INDIANS: A CRITICAL BIBLIOGRAPHY*, Newberry Library Center for the History of the American Indian Bibliographical Series, (Bloomington: Indiana University Press, 1982); Thornton and Mary Grasmick, *SOCIOLOGY OF AMERICAN INDIANS: A CRITICAL BIBLIOGRAPHY* (Bloomington: Indiana University Press, 1980; Wayne Bramstedt, *NORTH AMERICAN INDIANS IN TOWNS AND CITIES: A BIBLIOGRAPHY* (Monticello, Illinois: Vance Bibliographies, 1979); and Bramstedt, *A BIBLIOGRAPHY OF NORTH AMERICAN INDIANS IN THE LOS ANGELES AREA* (Monticello: Vance Bibliographies, 1979).

2. "American Indian Policy in the Twentieth Century," *WESTERN HISTORICAL QUARTERLY*, Vol. 15, (January, 1984), pp. 5-18. Another and earlier forerunner is William T. Hagan, "Tribalism Rejuvenated: The Native American Since the Era of Termination," *IBID.*, Vol. 12, (January, 1981), pp. 6-16.

3. Statistics are in Elaine Neils, *RESERVATION TO CITY: INDIAN MIGRATION AND FEDERAL RELOCATION* (Chicago: University of Chicago, 1971) and *A STUDY OF SELECTED SOCIO-ECONOMIC CHARACTERISTICS OF ETHNIC MINORITIES BASED ON THE 1970 CENSUS*, Vol. 3, *AMERICAN INDIANS*, (Washington: Urban Associates for the Department of Health, Education and Welfare, 1974).

4. Francis Paul Prucha, *THE CHURCHES AND THE INDIAN SCHOOLS, 1888-1912* (Norman: University of Oklahoma Press, 1979).

5. Larry Burt, *TRIBALISM IN CRISIS: FEDERAL INDIAN POLICY, 1953-1961* (Albuquerque: University of New Mexico Press, 1982), pp. 56-57.

6. Neils, *RESERVATION TO CITY*, pp. 92 and 136, adheres to the one-third figure, as does Ann Metcalf, "Indians in the San Francisco Bay Area" in *URBAN INDIANS*, Proceedings of the Third Annual Conference on American Indians, Center for the History of the American Indian, Occasional Papers No. 4, (Chicago: Newberry Library, 1981), pp. 104-05.

One of the earliest students of the 1960s phenomenon in public hearings made a similar observation, LaDonna Harris, *PUBLIC FORUM Before the Committee on Urban Indians in San Francisco, California, of the National Council on Indian Opportunity*, April 11-12, 1969 (Washington, D.C.: National Council on Indian Opportunity, 1969), p. 39.

Larry Burt used Duke interviews available at the American Indian Research Project-Doris Duke Indian Oral History Collection, University of South Dakota.

7. Interview with Glover Young, Rosebud Sioux, by Christine Valenciana, April 27, 1971, La Mirada, California, Duke Indian Oral History Collection Number 1076, Special Collections, Marriott Library, University of Utah, Salt Lake City, pp. 20-21. Another example is the interview with Joe Myers by Judith Kilpatrick and Gerald Huntley, Berkeley, California, April 21, 1971, Doris Duke Number 1052, Marriott Library, pp. 4-10.

8. Welcome House Director Wapato's testimony in PUBLIC FORUM Before the Committee on Urban Indians in Los Angeles, California, of the NCIO, December 16-17, 1968 (Washington, D.C.: National Council on Indian Opportunity, 1969), pp. 104-09.

While Indian Center assistance is important for many Indians, the centers only contact a small portion of the urban Indian population estimated 80,000 Indians living in Los Angeles. Interview with Director of Indian Center South, John Castillo, by Carter Blue Clark, Long Beach, California, February 14, 1984.

9. Wapato's testimony in PUBLIC FORUM, p. 104.

10. Joseph Cash, "A New Dimension in Indian History" in Daniel Tyler, ed., WESTERN AMERICAN HISTORY IN THE SEVENTIES, "Selected Papers Presented to the First Western History Conference, Colorado State University, August 10-12, 1972 (Fort Collins: Robinson Press, 1973), pp. 46-49.

11. Interview with Lois Knifechief, Pawnee, by Clare Engle, Stanton, California, October 26, 1970, Doris Duke Number 984, Marriott Library, p. 13.

Similar critical remarks of the Bureau of Indian Affairs are in the interview with Howard Yackitonipah, Comanche, by Marian Ryan, Los Angeles, California, November 20, 1970, Doris Duke Number 1253, Marriott Library, pp. 1-12; interviews by Mary Patrick, "Indian Urbanization in Dallas: A Second Trail of Tears?" ORAL HISTORY REVIEW (1973), pp. 48-65; and in U.S., American Indian Policy Review Commission, Task Force Government Printing Office, 1977), p. 31, in which investigators remark on the Bureau officials' "stubborn callousness about the fate of Indians."

Remarks to the contrary, upholding the Indian Bureau's good faith efforts, are in the interview with Stanley Lyman by Floyd O'Neil, Kathryn MacKay, and Gregory Thompson, Salt Lake City, Utah, February 27, 1971, Doris Duke Numbers 1029 and 1030; and Interview with Marie Streeter, by Floyd O'Neil, San Jose, California, March 3, 1971, Doris Duke Number 1035, unbound draft, all in the Marriott Library.

12. Two examples are Robert K. Thomas, "The Role of the Church in Indian Adjustment," KANSAS JOURNAL OF SOCIOLOGY, Vol. 3, (1967), pp. 20-28, and Richard E. Gardner, "The Role of a Pan-Indian Church in Urban Indian Life," ANTHROPOLOGY U.C.L.A., (1969), pp. 14-26.

Some discussion of Indian church membership is in Wayne Glenn Bramstedt, "Corporate Adaptations of Urban Migrants: American Indian Voluntary Associations in the Los Angeles Metropolitan Area," Unpublished Ph.D. dissertation, University of California, Los Angeles, 1977.

13. Two examples of research into the topic are Ann Metcalf, "Navajo Women in the City: Lessons from a Quarter-Century of Relocation," AMERICAN INDIAN QUARTERLY, Vol. 6, (Spring-Summer, 1982), 71-89, and Agnes Williams,

"Transition from the Reservation to an Urban Setting and the Changing Roles of American Indian Women" in CONFERENCE ON THE EDUCATIONAL AND OCCUPATIONAL NEEDS OF AMERICAN INDIAN WOMEN, October 12-13, 1976. (Washington, D.C.: United States Department of Education, National Institute of Education, 1980), pp. 251-84, for the impacts upon Indian women.

For educational gains and problems, there have been many studies, but two of the more comprehensive and recent are Rodney Brod and John McQuiston, "American Indian Adult Education and Literacy: The First National Survey," JOURNAL OF AMERICAN INDIAN EDUCATION, Vol. 22, (January, 1983), pp. 1-16, and FINAL REPORT, A NATIONAL EVALUATION SURVEY OF PROJECTS FUNDED UNDER TITLE IV, PART OF THE INDIAN EDUCATION ACT OF 1972. (Washington, D.C.: Communication Technology Corporation, for the United States Office of Education, 1978), 3 vols.

14. One example of adaptation from Indian tradition within a city is John Spence, Gros Ventre-Sioux, and Francis Wolfleg, Blackfeet, "Community Planning Based on the Medicine Wheel Model" in Julia S. Putnam, ed., INDIAN AND ALASKA NATIVE MENTAL HEALTH SEMINARS: SUMMARIZED PROCEEDINGS, 1978-1981, (Seattle: Seattle Indian Health Board, 1982), Vol. 2, pp. 1041-51.

15. The most recent study of the historiography and research on Indian people in the United States found that the urban Indian was "the most seriously neglected Native American group in the nation" in terms of research studies devoted to the topic. William Carmack, Brooks Hill, Phil Lujan, and Linda Parker, NATIVE AMERICAN RESEARCH INFORMATION SERVICE: A PROGRAM FOR COMMUNITY DEVELOPMENT (Los Angeles: University of California, Los Angeles, 1983), p. 65.

"Native Perceptions of Land and the Federal Government"

Since World War II and the Indian Claims Commission Act in 1946, the federal government has been called upon in several disputes to settle Indian land claims. For instance, until its discontinuance in 1978, the Indian Claims Commission reviewed 125 claims and awarded \$669 million to tribal groups for past injustices and broken promises. In another federal bureaucracy, the Bureau of Land Management created five major dams on the Upper Missouri River that compensated Sioux families who had to move. The bottom line here called for dollars and Indian removal to produce hydro-electricity and water reservoirs. A similar case was the Kinzua Dam project completed in 1961 on Seneca lands which were flooded in the name of progress.

Several court cases came to important legal light in the 1970s with the most attention focusing on the Maine case involving the Penobscot and Passmoquodies who wanted a return of land instead of being compensated in dollars. Since Red Power in the 1960s and activism of the American Indian Movement in the 1970s, Indian interest and rights are protected in the courts.

In the following essay, Tom Holm discusses the depth of Indian-land relationships which bureaucrats seemed to have taken lightly. In the view of traditional Indians, maintaining this relationship is essential to life on this planet, or else the consequences are grave. For instance, kinship is strategically bonded to the land and communities through generations of years. All of this is disturbed when the federal government intervenes to decide an issue like the Navajo-Hopi Joint Use Area dispute.

CHAPTER 13

"MECHANISTIC VERSUS ORGANIC HUMAN-LAND RELATIONSHIPS: THE NAVAJO-HOPI JOINT USE AREA DISPUTE AS A CASE STUDY"

Tom Holm

The history of the Navajo-Hopi dispute over the Joint Use Area is a complex story of greed, human suffering, conflict and federal bungling. Largely because of the dramatic overtones of the dispute, it has become the subject of numerous articles and books. Indeed it is probably one of the best documented events in recent American Indian history. For the most part, these studies argue that "Hopi legal rights prevailed over Navajo human rights" and concur with Representative Manuel Lujan's (R., New Mexico) assertion that "the most shameful aspect of the Navajo-Hopi land dispute is that it has been created entirely by the U. S. Government itself."¹

Although much has been written about the subject, the Joint Use Area (JUA) dispute demands further attention. It is an important topic not only because of its historical significance and dramatic appeal, but because it gives us considerable insight into how politicians (both Indian and white) and people from tribal societies perceive and relate to land. This study, rather than being an historical description of the dispute, is an attempt to classify and present a terminology for human-land relationships in order to analyze the social, cultural and economic dynamics underlying the JUA problem.

Methodology

The thrust of this essay is that differing human relationships with land are at the heart of both Indian-white and inter-tribal disputes such as the one between the Navajos and Hopis. As a case study, the Navajo-Hopi JUA dispute perfectly illustrates two distinct human motives for possessing land. That the JUA problem seems insolvable, also demonstrates the strengths of these human-land relationships. In the first part of this essay, a working hypothesis is established through an overview of the ways in which human beings relate to real property. At that point an attempt will be made to place the dispute's historical events in this conceptional framework. This is an analysis not of the dispute itself, but of the larger questions surrounding human, particularly American Indian, relationships with land.

Mechanistic versus Organic Human-Land Relationships

In examining the varieties of human behaviors and cultures, two general kinds of relationships with land emerge. The first, and perhaps the easier one to explain, is a mechanistic view of the values of real property. In this relationship, human esteem for the land is directly proportional to the profit in money or goods it produces. Land is looked upon as a commodity in itself or as a potential property for production. People can relate to land in this manner both individually and on a corporate (defining "corporate" in its broadest sense)

level. In a mechanistic relationship land can be sold or parted with, if it fails to produce, because it is valued only within an economic context.

The second type of human-land relationship is more complex, and perhaps more commonly found. Basically, it involves a group's or individual's ability to syncretize culture, folklore, social arrangement, economic practice, and quite often, religion, into an organic bond with a particular territory. This nexus does not necessarily preclude exploitation of the land. According to the Judeo-Christian tradition, mankind is the master of the land and can make a profit from the earth without causing chaos.² Europeans, for example, have essentially syncretized their cultures with a profit motive.

For the purposes of this essay, the organic human-land relationship will be illustrated on at least three levels: the individual, the family and the tribal. Some years ago, noted Cherokee anthropologist Robert K. Thomas, while conducting field research among the Cherokees in Northeastern Oklahoma, happened to meet an elderly white man who had moved from Arkansas into Cherokee country prior to Oklahoma statehood in 1907. The land on which the man settled was not rich. In fact, he had lived in dire poverty for a number of years. Nevertheless, the elderly gentleman had left his relatives in Arkansas behind and lived in perpetual fear of his Indian neighbors simply because he wanted to be "somebody." Obviously, his willingness to hold on to his property was based on something more than potential economic gain. The land had not given him wealth, but it identified him as a landowner. As a result of his conversations with this elderly white man, Thomas humorously concluded that, "If all whites based their love for land on simple economics, then we would have completely gotten rid of them in Oklahoma during the Dust Bowl."³

Thomas's references to the Dust Bowl brings to mind a second example of the organic human-land nexus. In John Steinbeck's *THE GRAPES OF WRATH* (1939), the character named Muley who, like the story's main protagonists, the Joads, worked a tenant farm in eastern Oklahoma. But unlike the Joads, Muley refused to leave the land and go to California even after he was forced off his farm by corporate interests. Muley metaphorically haunted the land as a living ghost in protest of the family's banishment. In the novel, Muley explains that no matter who holds legal title to it, the land really belongs to his family. He contends that his grandfather fought for the land, and his family had worked and had brought up children upon it. Moreover, Muley's kin were buried under the land's surface. The character almost makes a religious shrine of the spot where his father had been gored to death by a bull. Perhaps more than any author before him, Steinbeck captured in Muley the essence of one particular family's bond with a piece of property.

Steinbeck's insight to the organic human-land relationship exemplifies one of the integral problems of the Joint Use Area, affecting the Navajos, Hopis, and many tribal groups. In most tribal societies, the organic relationship with land is taken to a higher social, cultural and political plane than the one developed by Thomas's elderly informant or even by Steinbeck's character, Muley. Land not only gives identity to individuals and families, but it also defines a tribe as a distinct people. In this sense, the three mesas of the Four Corners area is popularly recognized as the land of the Hopi. Ernest L. Schusky, a white anthropologist, came to an understanding of this tribal relationship with land while doing research among the Sioux (or Lakota) of South Dakota. In his conversations with tribal elders, they often spoke of the disappearance of their people despite, Schusky reminded them, contrary census figures. The elders, however, were actually referring to the continued loss of their reservation lands

and the tie between those lands and their notion of peoplehood. Schusky further explained that:

They concluded there could be no more Indians when there was no more Indian land. Several older men told me that the original sacred Pipe given the Lakota in the Beginning was getting smaller. The Pipe shrank with the loss of land. When the land and Pipe disappeared, the Lakota would be gone.⁴

Clearly the land had more than symbolic meaning to the Sioux elders. The Sioux drew power, life itself, from the Pipe, the land, and their sense of peoplehood. The land defined them as a particular religious group and cultural entity. Without a homeland there would be no Lakota culture and without a holyland a viable Lakota religion was not possible. The Lakota identity, therefore, is interwoven within an inter-relationship of religious practice, folklore, culture and a particular territory.

The interweaving of religious tradition, land and peoplehood seems to be common among most tribal groups. Quite often, a tribe's homeland is also its holyland. But even when tribes have been relocated, they still manage to maintain their sense of tribal continuity and define it according to their new territorial limits. Tribal Cherokees, for example, know that their origins lie in the east and, for many of them, the southern Appalachian mountain range is still a sacred place. Northeastern Oklahoma, however, became their new home when they laid the fires at the ceremonial grounds. When this new homeland was taken away from the Cherokees by the railroads, settler intruders and speculators, it became symbolic of the betrayal of the Cherokees as a people.⁵ With different time and space references, the same could be said of the Yaquis in southern Arizona, the Creeks in Oklahoma, and any one of a number of other dislocated tribes. This symbolic and religious bond with land seems to be characteristic of Indian tribes and is, according to Schusky, a bond that "whites do not understand."⁶

Human-Land Relationships and the JUA Dispute

Turning to the JUA dispute, we quickly recognize that these types of human-land relationships have had a great impact on its history. In point of fact, the dispute appears to be a series of cultural and political conflicts traceable directly to the ways in which different individuals or groups of individuals related to the land in the JUA. By and large, these relationships have determined the differing perceptions of how the JUA was to be utilized. In the same manner, the actions of the federal government, the Hopi Tribal Council, the energy corporations, Hopi and Navajo traditionalists, and the Navajo tribal government have been heavily affected.

In 1868 Navajo leaders signed a treaty with the United States securing for their people a large reservation in what is now northeastern Arizona and northwestern New Mexico. This land base, known as the Treaty Reservation, totaled approximately 3.5 million acres of sparsely vegetated land. Encouraged by the federal government to become self-supporting on their arid reservation, the Navajos resumed their pastoral economy--an economy which had been disrupted when over 8,000 members of the tribe were imprisoned on a 40-mile-square area at Fort Sumner, New Mexico between 1864 and 1868.

Introduced to sheepherding during Spanish occupation, the Navajos adopted it as a part of their cultural identity. There were songs and ceremonies associated with the livestock herding complex, and a Navajo family gained or lost social status according to the size of their herds.⁷

Needless to say, a pastoral society like the Navajo Tribe required a sizeable territorial range, especially in the desert Southwest, and soon they began to spread outside of the boundaries of the original Treaty Reservation. The Navajos acquired more lands in 1878 and in 1880, but even these acquisitions did not seem to meet the needs of the tribe's growing population, cultural complex and pastoral economy.⁸ The Navajos and their herds expanded into new territories and quickly linked the land to the Navajo way. Parents buried their children's navel cords in the land, and tied the Navajo identity to the land forever.⁹

There were already a large number of Navajos grazing their sheep in the open rangelands surrounding the Hopi mesas when President Chester A. Arthur signed the executive order that set aside 2.4 million acres of land for the Hopis and for "such other Indians as the Secretary of the Interior may see fit to settle thereon."¹⁰ The Executive Order Area (EOA) was the ancestral homeland of the Hopis, who lived on top of the mesas, worked their gardens at the base of the cliffs, and went out into the plains where the Navajos tended their sheep only to hunt, gather firewood, or visit Hopi religious shrines. At the time the Hopis had little apparent economic interest in the open range, and so long as the Navajo sheepherders did not disturb Hopi religious shrines or gardens or upset the delicate ecological balance of the land, the two tribal groups lived without conflict.

The EOA was not necessarily established to protect and secure the Hopi homeland for the Hopis. Rather, it was created out of administrative expediency. The Hopi agent at the time was primarily interested in maintaining his control over the area and converting the Hopis into Americanized Christians. The agent requested that the Commissioner of Indian Affairs petition the President to set aside the land as a reservation. If the land was removed from the public domain and made into an Indian reservation, then the agent would have the authority to remove anyone he considered to be detrimental to Hopi "progress." As a result of the haste involved in drawing up the order, exclusive rights to the land were not defined. In addition, during the entire process, neither the Hopis nor the Navajos were consulted in the matter.¹¹

Despite the ill-planned and hastily-implemented order, both tribes continued in their, by then, customary and peaceful relationship with the land and each other. There was intermarriage between the groups and both tribes had deeply-felt, organic bonds with the land in the EOA. Their cultures and notions of peoplehood were tied to the same particular territory and they had essentially adapted their lifestyles to the environmental conditions of the EOA. Neither group apparently presented a social, cultural, economic, or political threat to each other.

During the 1930s this rapprochement changed when at least two new elements were introduced into the EOA formula. In 1934, Congress enacted the Wheeler-Howard bill (Indian Reorganization Act) and, despite a marked lack of enthusiasm on the part of many tribal members, the Hopis decided to accept its provisions. Two years later the Hopis drew up a constitution and established a tribal council.¹² From the standpoint of the federal government, the newly constituted tribal government was to become both an administrative institution designed to manage tribal property and the principal agent for alleviating

poverty in the Hopi towns. Economic development, if not the sole concern of the new Hopi Tribal Council, was at least its primary focus. By federal fiat, it could promote the development of tribal corporations or form partnerships with outside businesses in order to tap the land's natural resources. The land became a potential source of wealth and the Hopi Tribal Council almost at once began to seek exclusive rights to the whole EOA. In short, the Hopi Tribal Council was created as an economic institution without religious sanction, and in its administrative role the Council adopted the view that Hopi problems were less social and cultural than financial in origin.

Along with the introduction of the new managerial institution came the "private sector"--economic interests. In terms of economic development for the EOA there were, and are, two basic sources of income. At first the Hopi Tribal Council focused on the idea of promoting Hopi livestock investment and utilizing more fully the tribe's grazing rights in the EOA. But in the late 1930s and early 1940s, it was discovered that almost all of the extensive and very rich Black Mesa coal field was encompassed within the boundaries of the EOA. Soon corporations like the Peabody Coal Company began to put pressure on the tribes in the area and on the federal government to clear up the question of who had exclusive surface and sublevel rights to the land.¹³ The energy companies, of course, displayed only an economic interest in the EOA and could not, therefore, afford to deal with either tribe's organic bond with the property. The new Hopi Tribal Council, as well as the new Navajo tribal government, both of which had not, at that time, been fully syncretized to the tribal cultures, seemed more than willing to let the corporations come in. At the present, the Peabody Company holds leases to large tracts of land in the northern part of the old EOA.¹⁴ In the final analysis, the 1930s introduced not only a corporate mentality, but a mechanistic human-land relationship into Navajo and Hopi lives. Until a sufficient amount of time has elapsed, these new institutions and ideas have not yet been fully syncretized by either tribes.

One view notes the Hopi Tribal Council's focus on the EOA issue as an effort to insure its authority and gain stability. From its inception the Council was a weak institution despite its constitutional legitimacy. Many traditional Hopis looked upon the council as an imposed, and therefore illegitimate, government. Not only that, but the council's mechanistic valuation of tribal land was considered disruptive to the pattern of Hopi order, and even blasphemous. If the council could unite the Hopis against an outside group like the Navajos, or even focus attention on a larger issue, then it could divert attention from itself as a culturally questionable institution.¹⁵

Whatever the case, the lines were clearly drawn. The Hopi Tribal Council, the energy companies and the federal government all held, as institutions, mechanistic relations with the land in the EOA. The Navajo pastoralists and the Hopi traditionalists retained their organic bonds to the territory while the Navajo tribal government, although it had economic interests in the EOA, eventually adopted a humanistic stance. The Hopis, as a result of extensive lobbying, gained grazing district six and some additional lands contiguous to it as an exclusive Hopi reservation. In 1962 a federal court decision confirmed the establishment of this reservation but also held that the rest of the EOA was a Joint Use Area in which both tribes had "undivided and equal right and interests."¹⁶

The matter was still not settled. During the 1960s and 1970s, the Navajo tribal government grew in power and economic influence. Much like the Hopi Tribal Council, the Navajo government had developed into an economic institution

with the ability to grant mineral leases to several energy corporations. Meanwhile, the United States was entering into an energy crisis which meant, of course, that federal officials as well as the energy corporations were both engaged in the attempt to force the tribes to grant more and larger leases. At one point, the Navajo Tribal Council offered to buy the Joint Use Area, but the Hopis refused to give up their claim.¹⁷ By 1974, when Congress passed the Navajo-Hopi Land Settlement Act, at least six distinct groups had special interests in the JUA and were pressing for some kind of solution to the problem of who had clear title to the land.

In an attempt to sort out the dispute, Congress passed the Navajo-Hopi Land Settlement Act. The statute authorized the federal district court to partition over one million acres in the JUA between the two tribes. Three years after its passage the court drew a boundary dividing the JUA into two exclusive use areas. The court also ordered that tribal members living on the other tribes' boundary line would have to relocate. Relocation instantly became a nightmare. Although there have been no indepth studies of the Hopis who have had to undergo removal, it is certain that Navajo relocation has developed into a very costly undertaking in both human and financial terms. On the economic side, the federal government's Navajo and Hopi Relocation Committee has estimated that relocation will cost upwards of \$200 million.¹⁸ In human terms the pastoral Navajos are faced with the loss of a homeland and possible social and cultural death. As one Navajo woman put it, "I think there is no way we can survive if we get moved to some other land away from ours."¹⁹ Not surprisingly, most of the Navajos have refused to leave the JUA.²⁰

Numerous reasons underlie the Navajos' refusal to vacate the JUA. The pastoral Navajos, if forced to leave, would suffer much more than a loss of productive land. In point of fact, it has been demonstrated that the Navajos have been subjected to extreme cases of psychological trauma and sociocultural stress. According to Thayer Scudder of the California Institute of Technology, who studied the effects of population relocation on the Navajos:

Relocation undermines a people's faith in themselves -- they learn, to their humiliation, that they are unable to protect their most fundamental interests. In the Navajo case, the interests include the preservation of their land (both for themselves and, of great importance, for their children), their homes, their system of livestock management with its associated lifestyle, and their links with the environment they were born to.²¹

Since the order for partition was issued, the conflict has ebbed and flowed. Some Navajo have armed themselves with sticks, baseball bats and guns in anticipation of an actual range war, while on the Hopi side tribal members have confiscated Navajo livestock. Former Hopi tribal chairman Abbott Sekaquaptewa warned that his people, whose ancient law forbids violence, would also take up arms to protect their interest. "If it takes blood and guts," he said, "that's what we'll do." Unfortunately for Sekaquaptewa, several Hopi elders have disavowed his belligerent stance.²² And still, the dispute over the JUA goes on.

In November, 1982 the Navajos elected Peterson Zah to the office of tribal chairman. Zah vowed to find a way to resolve the JUA dispute and perhaps alleviate the tense situation that had developed between the two tribes. He immediately sought to establish a working relationship, through federal mediators,

with the Hopi Tribal Council. Zah and the current Hopi tribal chairman, Ivan Sidney, were former classmates at Phoenix Indian School, and they have even been meeting periodically without federal mediation.

An actual solution to the dispute and the problem of relocation, however, remains elusive. Ironically, while outsiders do not understand the human-land relationship, both tribal sides understand it well even though they are in disagreement over the JUA. From the Indian point of view comprehending the complexities of the human-land relationships as the two sides are intermixed is the crux of the matter rather than the legal rights of the tribes. Hence, the Indian legal rights involved in the JUA is secondary in importance to the tribespeoples, while bureaucrats and energy company officials tend to function only at the level of legal rights.

Conclusion

According to the literature on the subject, most observers of the Navajo-Hopi dispute find it difficult to look upon the ongoing conflict as anything other than an inter-tribal duel over the exclusive ownership of property. That federal mismanagement and poor judgement originally created the problem is taken as absolute fact. It is assumed, in other words, that two distinct societies cannot co-exist in the same territorial limits without conflict, and that when President Arthur established the EOA in 1882, and a federal court created the Joint Use Area in 1962, the government simply set up conditions under which the dispute was inevitable. Underlying this line of analysis is the idea that the two tribes were necessarily competitive in the long run and that a struggle for ownership of the land was natural.

Although the ideas have some merit, they do not focus on the true dynamics of the Navajo-Hopi dispute. At the heart of the matter actually lies the introduction of a revised human-land relationship in the societies of both the Hopis and the Navajos. Both tribes had only organic relationships with the land in the old EOA until the 1930s. At that point in time, however, new technologies, a new economy, and a new system of government were introduced into these tribal societies. Change came so swiftly that it did not allow sufficient time for the tribes to syncretize their societies with these intervening institutions, ideas and technologies. It can be argued, perhaps, that syncretion did not take place at all and that specific groups of Hopis and Navajos simply changed their perspectives on land use. These particular groups shifted from organic to mechanistic human-land relationships when the federal government and the energy corporations began to emphasize economic change and financial security. Simultaneously traditionalists of the two tribes have retained their organic relationships with the land, thereby creating the conditions under which the conflict originated.

The history of the JUA dispute vividly demonstrates that both mechanistic and organic human-land relationships do exist and that they play an important part in human political behavior. It is perhaps normal for human beings to develop emotional and even spiritual ties with a particular territory. On the other hand, it is equally true that people can construct institutions which serve particular interests and can thus only relate to land within a limited context. For example, the individual members of the Hopi tribal council have deep emotional and cultural bonds with their land, but as an institution, the tribal council has typically emphasized the economic importance of the JUA. Of

course, the same could be said of the energy corporations, the federal government and the Navajo tribal council. In any case, if a solution to the dispute can be found, it will leave an extended residue of bitterness, demoralization and social trauma.

CHAPTER 13

NOTES

1. Jerry Kammer, "The Navajo and Hopi Dispute over Land and Life," AMERICAN INDIAN JOURNAL, Vol. 5, (September, 1979), pp. 2-8; THE SECOND LONG WALK: THE NAVAJO-HOPI LAND DISPUTE (Albuquerque: University of New Mexico Press, 1980) and Thayer Scudder, ed., NO PLACE TO GO: EFFECTS OF COMPULSORY RELOCATION ON NAVAJOS (Philadelphia: ISHI Press, 1982).
2. The reference that man can make profits from the land without causing chaos is stated in the BIBLE, Genesis 1:1-12.
3. Interview with Robert K. Thomas, 1984, by Tom Holm, Tucson, Arizona.
4. Ernest L. Schusky, ed., POLITICAL ORGANIZATION OF NATIVE NORTH AMERICANS (Washington, D. C.: University of Press of America, 1981), pp. vii-viii.
5. G. P. Horsefly, A HISTORY OF THE TRUE PEOPLE: THE CHEROKEE INDIANS (Detroit: Oral History Publication, Rick Smith, 1979).
6. Schusky, POLITICAL ORGANIZATION, p. vii.
7. Robert F. Spencer and Jesse D. Jennings, et al., THE NATIVE AMERICANS (New York: Harper and Row, 1965), pp. 318-36.
8. James M. Goodman, THE NAVAJO ATLAS: ENVIRONMENTS, RESOURCE, PEOPLE, AND HISTORY OF THE DINE BIKEYAH (Norman: University of Oklahoma Press, 1982).
9. Scudder, NO PLACE, p. 170.
10. Navajo Nation, Background information memorandum, Navajo-Hopi land dispute, 1981.
11. Goodman, NAVAJO ATLAS, p. 93.
12. Kenneth R. Philp, JOHN COLLIER'S CRUSADE FOR INDIAN REFORM (Tucson: University of Arizona, 1977), pp. 166-67.
13. Peter Matthiessen, "Battle for Big Mountain," GEO, Vol. 2, (March, 1980), p. 13.
14. Goodman, NAVAJO ATLAS, pp. 74 and 96.
15. Big Mountain Support Committee, PAMPHLET, Albuquerque, New Mexico, n. d.
16. Kammer, "Navajo and Hopi Dispute" and SECOND LONG WALK.

17. Goodman, NAVAJO ATLAS, p. 93.
18. Scudder, NO PLACE, p. 5.
19. Kammer, "Navajo and Hopi Dispute," p. 2.
20. Big Mountain Support Committee, PAMPHLET.
21. Scudder, NO PLACE, p. 10.
22. Kammer, "Navajo and Hopi Dispute," p. 6.

"Tribal Philosophical Views of the Environment and Land"

Philosophically, Native American groups hold specific views of the land and environment in which they live. Such native views guided the people's lives in conjunction with the environment since they believed they were guardians of the land. George Cornell describes this relationship in his essay, stressing that it was heavily influenced the modern conservation ethic. Some individuals like Charles Seaton, George Bird Grinnell and John Collier, understood the deep Indian attachment to the environment.

In the first part of the century, Indian water rights in the famous Winters' Doctrine of 1908 tested this relationship when the Gros Ventre and Assiniboine Indians on the Fort Belknap Reservation in Montana argued their rights to the Milk River flowing adjacent to their land. Although this was primarily a legal case and the most important one in Indian water rights, the Indians viewed the reservation land and water as being one in the same. Other cases like the damming of Pyramid Lake in Nevada which destroyed the fishing subsistence of the Paiutes, the return of the Taos Blue Lake to the Taos Indians in 1971, and the famous Boldt Decision (1974) of granting Washington State tribes the right to use traditional net fishing on local rivers, exemplify the human-environment relationship which involved a cultural and legal problem among the native groups.

Since the 1970s the most serious Indian environmental concerns have been about energy companies mining coal, gas, uranium and oil on Indian reservations. The Four Corners area has become the world's largest strip-mining operation and currently no less than twenty-five energy companies seek to mine coal in the sacred Black Hills of the Sioux in South Dakota. With approximately one-third of the coal in the west on reservations lands, it is no wonder that the Council of Energy Resource Tribes (CERT), an inter-tribal advising firm, has formed to protect the interests of its thirty-four members.

Much can be learned from tribal views in regard to ecological and environmental issues. Learning to live with the environment rather than choosing to alter it, has been the fundamental characteristic in the Indian-environment relationship. In the same light, the Indian observed the frontier differently from the white man who opted to change it for his interests.

CHAPTER 14

AMERICAN INDIAN INFLUENCES ON THE FORMATION OF THE MODERN CONSERVATION ETHIC

George L. Cornell

In recent years, the tear-streaked face of Iron Eyes Cody has appeared on television and environmental billboards as a reminder of the modern conservation ethic that originated from American Indian philosophy. To be precise, the modern "outdoor" ethic was the outgrowth of historical contact with native peoples. But as time passed this acknowledged tie to American Indians was severed and the conservation ethic was popularly attributed to the transcendentalist writers and the rise of scientific conservation. The contributions of Native Americans to the formation of the contemporary outdoor ethic has never been fully explored. Native philosophies stressing human-animal and human-environmental relationships were very much, and are still, an important part of Native American traditions. This study will respond to the distorted role and underestimation of Native Americans in shaping the outdoor ethic.

Indians are often treated, literally, as artifacts of history. They were encountered, conquered, quarantined and assimilated by the dominant American society. Focusing on the historical past and impact of cultural contact has a valued place in the literature, but this conventional approach often invalidates the actions of native peoples and negates the subjective aspects of American Indian cultures. Specifically, native peoples have not been totally assimilated into the mainstream of American society. As a matter of fact, numerous contemporary issues of native peoples have perpetuated the continual differences between Native American groups and mainstream society. The recent wave of litigation involving native peoples and state and federal governments, most of which centers on Fishing rights in Michigan or land reclamation efforts in the West and southwest, attests that not only are native peoples perceived as being "different" in terms of their legal status; they are being singled out for committing alleged acts of environmental depredation. Currently, newspapers and popular literature depict American Indians as despoilers and exploiters of the natural environment.

Negative media coverage is a spinoff of litigation that lies centered on resource utilization. Headlines that read: "Grand Salmon To Die In Nets?"¹ describe Native American fishermen as exploiters of a resource (salmon) which they do not pursue in Michigan waters, and these bold captions have captured the attention of outdoor enthusiasts. Subscribers to popular literature are convinced that Indian people are environmental culprits bent on profiteering and destroying natural resources.

The popular image of the Native American as an exploiter is totally contrary to another popular image of the American Indian: conservator and ecologist. At the heart of the issue rests the incongruity between what native peoples were, in reality, and their present image in popular literature. Through the contemporary use of the term "Indian," the general stereotype of indigenous peoples has merged into a composition which does not accurately reflect tribal diversity.

Historically, the Indian groups had differing perceptions of the environment and the natural order of the universe, although similarities existed between basic spiritual ideologies. All indigenous peoples possessed a cosmological interpretation of the creation, and many universal themes in Native American philosophy/spirituality tend to recur among differing groups. The prominent role of twins, often representing the polarities of human nature, the trickster (teacher) as a cultural hero and the significance of the number four (4) which represents yearly cycles and the directions of the universe are all commonly shared by many native peoples. The natural environment was customarily perceived in spiritual terms that described the earth, almost universally, as a feminine figure. Mother Earth provided for the sustenance and well-being of her children: it was from her that all subsistence was drawn. The relationships of native peoples to the earth, their mother, represented a sacred bond with the creation.

The masculine counterpart to the earth mother was the sky. Native peoples regarded the heavens as the domain of the creator, or the Great Mystery or Power on High as this force has been described in oral traditions. In particular, the sun often personified masculine power. The people perceived the relationship between the earth mother and sky father as a continuous love affair, which they were allowed to witness and participate in. The power of the sun and the rains that impregnated the earth mother, supplied the necessities of life. The products of this female-male relationship were sacred and were to be respected by the people. All human behaviors were related to this perception of universal interaction between the two genders.

Native peoples viewed the offerings of the natural order as gifts from the creator. This was particularly true in relationship to animals. Adrian Tanner, in *BRINGING HOME ANIMALS*, clarifies this point. "Men make gifts to the animal world, that is, to the bush, and in return are the recipients of gifts of game animals killed by the hunters."² "Man" in the Native American conception of the world, was not created to "lord" over other beings, but rather to cooperate and share the bounty of the Creation. All things in the creation had an essence, a reason for being; "Man" was to function as a caretaker of the environment. An intricate balance existed between the elements of the world. Animals, air, water, and plants all co-habited in a fragile harmony that must be heeded to insure the continuity of life. It is this notion of continuity that manifests itself in Native American adherence to the circle of life--the philosophy of many Indian groups.

Native American perceptions of the environment were formalized by acknowledging the power of circles. These environmental perceptions, which derived from the attitudes, values and beliefs of native peoples as they interacted with the land, flora and fauna, and other intangible forms of existence (spirits), formed the essence of native adaptation to the natural world. Native environmental perceptions were responsible for dictating behaviors and defining the limits of man-nature relations. These beliefs emphasize the need for individual respect and a spiritual tie to the natural world. This ideology of the earth gives us a glimpse of what would become touted as the twentieth century outdoor ethic.

In reality, Native Americans worked hard pursuing game. The same can be said for white settlers who found the New World a challenging environment with abundant good land and wildlife. As settlers moved westward though, natural resources were rapidly exhausted. Peter Matthiessen, in his work, *WILDLIFE IN AMERICA*, stated that "At one time or another the white man has substantially diminished all the large hoofed mammals of North America."³ It is ironic,

however, that native peoples were popularly blamed for destroying many of the great herds of game animals that roamed the west. Richard H. Pough, in his introduction to Matthiessen's text, singles out the Indian as the "scapegoat" and stated that "The Indians were the first to be blamed, and then, as their numbers decreased, the blame was shifted to predators."⁴ This popular stereotype of Indians as exploiters during the late nineteenth century is a classic example of "blaming the victim."

The role of Native Americans in the destruction of game animals has recently been addressed by the publication of Calvin Martin's *KEEPERS OF THE GAME*. This text has generated considerable critical interest, and is important to any discussion of native peoples as conservationists. Martin postulates that Native Americans, who were engaged in the fur trade, waged a war of "revenge" against fur bearers, in particular the beaver. He surmised that the effects of European diseases, which decimated native populations, were eventually attributed to the beaver, providing the rationale for native hunters to exploit the beaver for the fur trade. Although a provocative attempt to re-interpret the behaviors of native hunters in the fur trade, Martin's contentions are weakly supported, and the argument is riddled with contradictions. He contends that Native Americans were not conservationists, and that this image is simply a popular "stereotype."⁵ Portraying native peoples as exploiters, he disavows the reiterated "sacred" relationship between man and the environment.

Native peoples conducted rituals of atonement to assist slain animals' spirits to the next world, and to give thanks for providing the hunter's family with food. These rituals maintained the formal ties of man and animals, and acknowledged each respective party's role in the creation. "Killing" other beings to insure survival was a part of the Creator's will. Animals were gifts to man, and this relationship was taken seriously. These rituals were not conducted, as Martin contends, to stop animals from "inflicting disease."⁶ Since Martin proposes that these rituals were only performed as protective devices, this of course negates any "ethical" ties that native hunters had with animals. These ethical ties are the cornerstone of modern conservation, and the inability to perceive these atonements as anything other than protective measures, labels native peoples as non-conservationists. (There is little doubt that western animal populations would have fared much better, if white hunters during the nineteenth century would have "ritualized" their actions of killing, or simply reflected on their "ethical" tie with the creation, as native hunters did.)

Native American philosophy, place names and environmental knowledge played a role in the formation of the emerging land ethic at the turn of the twentieth century. This popular movement, which relied heavily upon Native American philosophy, was spearheaded by George Bird Grinnell, Ernest Thompson Seton, Hamlin Garland, Charles Alexander Eastman, Archie Belaney and others.⁷ These men had a substantial influence on the development of popular images of the environment and the outdoor ethic. The contributions of these individuals were diverse, from forming conservation groups to organizing boys and girls camps, yet their activities had one thing in common: they were influenced by extensive contact with Native American populations. Not only were these men influenced by their contact with Native Americans on environmental issues, they were also advocates on behalf of Indian populations.

George Bird Grinnell was one of the most outspoken advocates on behalf of Native Americans in the latter part of the nineteenth century. Born in 1849, Grinnell was raised in New York City and educated at Yale. Grinnell had extensive contact with the Audubon family, who lived next door to the Grinnells

in Audubon Park. There was little experience in Grinnell's early years that would prepare him for his trip to the West in 1870 when he accompanied the Othneil C. Marsh Expedition. Grinnell admitted that he was a "Pilgrim" and commented on the general ineptness of the 1870 party. "No member of the party killed anything, which is not surprising in view of the fact that none of us knew anything about hunting or rifle shooting. ... As a result, it was Major North and the Indians (who) kept us supplied with fresh meat."⁸

Grinnell had to acquire his skills and knowledge from the Pawnee scouts who were hired to guide the expedition. He became a highly regarded hunter and outdoorsman, but his initial lessons were at the hands of military men and Indian scouts. In 1872 Grinnell made his second trip to the American West, and was strongly influenced by a Pawnee buffalo hunt that he witnessed.

Soon the chase was ended, and the plain is dotted with the dark objects over which bend two or three Indians busily engaged in securing the meat. Every ounce of this will be saved, and what is not eaten while fresh, will be jerked and thus preserved for consumption during the winter. How different would have been the course of a party of white hunters had they the same opportunity. They would have killed as many animals, but would have left all but enough for one day's use to be devoured by the wolves or to rot upon the prairie.⁹

In 1872 large herds of buffalo still roamed the land. Grinnell was alluding to the "ethical" relationship that must be maintained between animal and man. Thus this contact with native peoples was important to him, and it would become imperative to the future of American conservation.

Grinnell also accompanied the 1874 Custer expedition into the Black Hills, and in 1875 he traveled with the Ludlow Expedition which was charged with surveying Yellowstone National Park. Grinnell was selected as the naturalist for the expedition because of his experience and writings in the area of zoology and paleontology. After completing a Ph.D. in zoology at Yale in 1880, he became the editor of *FOREST AND STREAM*.

He changed the tone of the newspaper, and used it to express personal views on the Indian problem, and to present ethnographic information about Native Americans. Indian stories, descriptions of crafts and indigenous songs began appearing in the publication. As Indian-white hostilities faded into the memories of the readership, opportunities to learn from "Indian" practices increased. By late 1880, almost every issue contained at least one article pertaining to Indian adaptations and "traditional" practices. These ethnographic descriptions interested readers, but they also counteracted the popular perception of the Native Americans as "savage" because they described the intelligent actions and skills of native peoples. These articles were subtle vehicles for changing the attitudes of non-Indian populations toward native peoples, and had the effect of formalizing the image of Native Americans as conservationists.

While advocating the causes of Native Americans, Grinnell also formed the Audubon Society in 1886. This society, dedicated to the protection of wild birds in nesting areas, was named after the late John James Audubon and his wife. In early 1888, Grinnell, along with Theodore Roosevelt, formed another organization, the Boone and Crockett club. This organization was comprised of large game hunters who were deeply concerned about the slaughter of game animals, and they were committed to an intelligent use of game resources. The

Boone and Crockett club, in their bylaws, proposed "to work for the preservation of the large game of this country," and eventually fought for the establishment of Yellowstone Park, supported the forest reserve system, and supported the legislative move to establish Glacier National Park. They were not total preservationists, in any sense of the word, and were actually antagonistic towards groups who advocated complete restriction of human intervention in all wildlife areas.¹⁰

Other prominent members of the club, who were either regular, associate or honorary members, included Francis Parkman, General Philip Sheridan, General William Tecumseh Sherman, and Henry L. Stimson.¹¹ The friendship of Roosevelt and Grinnell furthered the cause of conservation in the country, and the "club" evolved into the premier national hunting organization. Presently the Boone and Crockett Club is the recording agency for all North American big game trophies which are killed with firearms, and the Boone and Crockett Club has always supported the adherence to hunting regulations and the development of ethics in the field.

George Bird Grinnell was the "omnipresent pioneer of eastern conservation," and his contributions to the movement were significantly influenced by his contacts with American Indian populations in the West.¹² In 1921 George Bird Grinnell published "First Families of America," in THE MENTOR. Grinnell, who was known as "Fisher Hat" among the Piegan Blackfoot, "Bird" to the Cheyenne, called "White Wolf" by the Pawnee, and "Grey Clothes" by the Gros Ventre, clearly described his impressions of Indian-environmental relations in this ethnographic article.

The Indian's life was passed into the open air and in close contact with nature. He drew his sustenance from the earth and from wild creatures that lived upon it. He was a part of nature, and better than anything else he knew nature. A close and constantly watchful observer, nothing escaped his eye. He read the signs of the earth and the sky, and the movements of birds and animals, knew what these things meant, and governed his acts by what these signs told him.¹³

A friend and contemporary of George Bird Grinnell's who also had an impact on the formation of the conservation ethic was Ernest Thompson Seton. Seton was born in South Shields, in the northern regions of England, on August 14, 1860. The Seton family moved to Canada when Ernest was six years old, and set up residence in Ontario. Seton began publishing animal sketches and stories in 1882, and by 1887 his writings were appearing regularly in FOREST AND STREAM, CENTURY MAGAZINE, SAINT NICHOLAS and CANADIAN SCIENCE MONTHLY. Seton's first book of short stories, WILD ANIMALS I HAVE KNOWN, published in 1898, won immediate acclaim.

While engaged in his studies of animal populations, Seton developed a deep interest in the customs, rituals and crafts of Native Americans. As he learned more about the environment, he began to research and respect the "first Americans" adaptations to it. In becoming a woodcraft expert, he realized that he was simply learning the skills that native peoples had already perfected. The "relatedness" of interaction between Native Americans and the environment was very similar to the techniques that Seton advocated for studying the natural surroundings. Both orientations relied on experience and personal insights that could be gained from close observations of nature. An accomplished hunter, tracker and trapper, his own knowledge of Indian hunting practices and

environmental practices expanded, enabling him to understand the deep reverence in which Native Americans interacted with the environment. This "spiritual" bridge was the key to understanding the relationship of "lower" animals to "Man."

Seton made enormous contributions to the growth of camping and youth organizations in the United States and abroad. In 1902 his "American Woodcraft" appeared in the May edition of the LADIES HOME JOURNAL, announcing the formation of the Woodcraft Indians, which became known as "Seton's Indians." This was the first outdoor organization for boys in the United States. Founded on Native American lore, the goals of the organization were to promote the very best of Indian life. Said Seton:

First, guided by my own preferences, I selected a hero as a model. Not Robin Hood, nor Rollo the Sea King, nor King Arthur; but the ideal of Fenimore Cooper, perfectly embodied in Tecumseh, the great Shawnee - physically perfect, wise, brave, picturesque, unselfish, dignified.¹⁴

Seton was engrossed with the character and abilities of Tecumseh, and any who are familiar with the prominent Shawnee can hardly slight Seton's selection as a model for the outdoor organization.

The first edition of the BIRCH BARK ROLLS, a handbook for scouting, was published in 1906. Seton sent this edition to Robert Baden-Powell at the Savoy Hotel in London. As a result of eventual meetings, and the enormous interest of both men in outdoor skills, the Woodcraft Indians became the Boy Scouts of America in 1910. Seton worked diligently toward the formation of an outdoor organization for youth and served as the Chairman of the first Committee on Organization for the Boy Scouts. In addition, he wrote the ninth and tenth editions of the Birch Bark Rolls of 1910 and entitled them respectively, THE AMERICAN BOY SCOUTS, and THE BOY SCOUTS OF AMERICA.

During 1910-1911 numerous publications reported that Seton monopolized the Boy Scouts. Increasingly, the Boy Scouts of America were becoming a militarized organization as reflected in their uniforms, the reliance on "military spirit" and the postulated use of such an organization in a time of war. Seton found these propensities repulsive and protested the "elimination of the beautiful, the political, the symbolic and spiritual." This schism was clearly reflected in the use of Indian lore and social organization, which were so important to the Woodcraft Indians. In 1910 Boy Scout President Colin Livingstone stated that the intent of the scouting movement "is not an attempt to make an Indian of the American boy," while Colonel Peter S. Bonus claimed, "There is no attempt in our organization to approach any of the Indian names or style of conducting the movement. Ours is to be along soldierly lines."¹⁵

Seton obviously felt that his idea as well as organizational efforts were being perverted by individuals who did not truly understand the meaning of nature or woodcraft. The increasing hostility of this evolving schism finally led to the expulsion of Seton from the Boy Scouts in 1915 on technical grounds.

In 1917 Seton published THE BOOK OF WOODCRAFT AND INDIAN LORE, which was the eleventh edition of the Birch Bark Rolls. In the 1917 edition, Seton stated his relationship to native peoples. "As the model for outdoor life in this country I took the Indian, and have thus been obliged to defend him against the calumnies of those who coveted his possessions."¹⁶

THE BOOK OF WOODCRAFT AND INDIAN LORE stressed the personal nature of man's "relatedness" to the environment. Seton was not just an Indian

hobbyist, rather he advocated a bond with the environment that could only be achieved by experiencing and directly observing animals and their habitat. Ousted from the Boy Scouts, he continued to work with the Woodcraft League of America. Although similar in goals to the Boy Scouts, the league never achieved similar success. Until 1934 Seton continued his affiliation with the organization and wrote the Birch Bark Rolls which were used extensively by the league.

An outspoken proponent of Native American values and lifestyles, Seton was severely criticized for his personal beliefs. He was ridiculed as a "socialist" because he believed that "The Indian was a socialist in the best and literal meaning of the word." His animal stories and naturalist writings also came under attack as being "animistic." In spite of the criticism, Seton influenced American outdoor enthusiasts and sportsmen, using insights gained from Native American societies, to help create a uniquely American conservation ethic.¹⁷

The contributions of Grinnell and Seton were matched in kind by Hamlin Garland who played a key role in disseminating information about Native Americans that influenced popular perceptions of the environment. Hamlin Garland was born in West Salem, Wisconsin on September 14, 1860. Nine years later the family moved to Osage, Iowa, where he completed his studies and was awarded a diploma from the Cedar Valley Seminary in 1881. His parents eventually moved to South Dakota, and Hamlin followed them to homestead in Ordway. Garland obtained the claim in 1883, but during the next year he was in Boston pursuing a literary career.

Garland's rise in the literary world was meteoric, and by 1890 he had published extensively. He wrote descriptions of prairie life as well as literary insights and reviews in HARPER'S WEEKLY, AMERICAN MAGAZINE and NEW ENGLAND MAGAZINE. In 1891 Garland published the first edition of MAIN TRAVELLED ROADS, his collection of "local color" vignettes and short stories, which won limited acclaim. For the next four years, he produced numerous articles and books, and in 1886 his attention turned to the American Indian as a subject matter.

In June of 1895, Garland traveled to the American West, after finishing his novel, ROSE OF DUTCHER'S COOLEY. This rekindled Hamlin Garland's boyhood interest in the American Indian. The western tour of 1895 had a "profound influence" on Garland. In October of 1896, Garland had the good fortune to meet Ernest Thompson Seton at a luncheon at The Players Club in New York City, and in that same year there was a notable increase in the literature which Garland published on American Indians. "Into the Happy Hunting Grounds of the Utes" appeared in that year as did "The Most Mysterious People in America" and "The Dance of Acoma."

In 1897 Garland again traveled to the West. On this trip he came in contact with the Blackfeet while visiting their agency. He recorded a number of notes about the tribe, and was requested by White Calf to take a message to George Bird Grinnell upon returning to the east. This letter was undoubtedly delivered to Grinnell, for Garland and the prominent conservationist became friends. Garland continued to publish articles that focused on Native Americans in 1897-98, although his major concern was finishing his biography of Ulysses S. Grant.

Garland's interest in the Native American continued for the rest of his life. Unfortunately his published writings on the American Indian ceased in 1907, until the publication of THE BOOK OF THE AMERICAN INDIAN in 1923. His interests turned to forestry and conservation, but native peoples still possessed an influence over him. In 1905 Garland was requested to present the

commencement address at the University of Chicago. Garland accepted the invitation on the condition that the address would be on an "outdoor theme." Near the end of the speech, Garland made a vivid connection with the environmental lessons of Native Americans.

Many of our greatest men are the sons of the trail. Who shall estimate the value of the wilderness in the training of Washington, of Lincoln, and of Grant? Simplicity and directness of purpose, tenacity, and resource, they certainly drew from their border experiences, and they are but shining graduates of the Pine Tree Academe. For more than two hundred years we have been schooled by the Algonquin and the Sioux. Let us acknowledge this. We killed them, we swept them before us; but they taught us as they died.¹⁸

Garland's interest in conservation was a logical outgrowth of contact with native peoples, George Bird Grinnell, Ernest Thompson Seton, Charles Alexander Eastman and Theodore Roosevelt, all of whom had a major influence on the conservation movement. Garland's relationship with Seton was particularly enjoyable, and the two often went on outings together. During these years Garland was working on a novel entitled THE CAPTAIN OF THE GREY-HORSE TROOP, which criticized the Dawes Allotment Act and trespass on Indian lands.

Hamlin Garland's efforts on behalf of Native Americans were linked with (Ohiyesa) Charles Alexander Eastman. Eastman, a Santee Sioux, worked with Garland on the Sioux renaming project that began in 1902. Eastman, who was a friend and confidant to Garland, Grinnell and Seton, provides an interesting contrast to the literary careers and environmental ties that these gentlemen developed from contact with Native Americans. Whereas Garland, Grinnell and Seton came into contact with the attitudes, values and beliefs of native people, Eastman was raised in a traditional Sioux encampment and later on acquired the trappings of the "white man's road."

Eastman was born in February, 1858, near the present site of Redwood Falls, Minnesota. His mother, Nancy Eastman, was the daughter of Seth Eastman, an army officer, and Wakan Tankawin, a full blood Santee. Eastman's father was Many Lightnings, also of the Santee Sioux. Many Lightnings was eventually arrested and convicted for participating in the "Santee Uprising" of 1862 in Minnesota. Father and son were separated until 1872. One can understand Ohiyesa's consternation, when in September, 1872, his father entered the Santee camp. Many Lightnings, now called Jacob Eastman, wore the clothes of a white man.

Jacob Eastman desired to take his son back to Flandreau with him and eventually Ohiyesa consented to go. Gradually acclimating to new surroundings, Ohiyesa attended the local day school at Flandreau. In 1874 he traveled to the Santee Normal School, located in Nebraska, and became a boarding student there. Shortly thereafter Ohiyesa changed his name to Charles Alexander Eastman. He was destined to become one of the great American Indian "success" stories of the late 1800s. Eastman graduated from Dartmouth College in 1887, and applied to the University of Boston Medical School. In June of 1890, Dr. Charles Alexander Eastman graduated from the medical school. In a matter of seventeen years, the transition from traditional Santee to the educational elite of American society had been accomplished.

Between 1890 and 1904, Eastman served as an agency physician (he was present on the Pine Ridge Reservation in December, 1890 and witnessed the

aftermath of the Wounded Knee Massacre), an organizer for the Y.M.C.A., and also worked as the outing director at Carlisle Indian School. In 1893 Eastman, with assistance from his wife Elaine, turned his interest to descriptive writing about Indian life. In December, 1893 Eastman's first article entitled "Recollections of Wildlife," appeared in ST. NICHOLAS.

It was at the Crow Creek Agency in South Dakota during the fall of 1900 that Eastman began to write about the American Indian with renewed interest. Eventually Elaine and Charles reworked the stories that had been published in ST. NICHOLAS, and the result was Eastman's first book. INDIAN BOYHOOD, published in the spring of 1902, was well received and accorded favorable reviews. The text is an examination of Eastman's first fifteen years among the Santee Sioux, and contains insightful ethnographic and environmental information which appealed to the growing number of "outdoor" enthusiasts. In 1904 Eastman published RED HUNTERS AND ANIMAL PEOPLE, which described the relationship of native hunters to the animals that they pursued. The text portrayed native peoples as conservationists, who existed in a symbiotic relationship with the environment. Much of the content, though fictionalized to a certain extent, was drawn from Eastman's early years and observations. Shortly after RED HUNTERS AND ANIMAL PEOPLE, George Bird Grinnell sent a letter to Eastman commending him on the book.

During the following years, Eastman's literary productivity increased rapidly, and between 1906 and 1910, he wrote, with the assistance of Elaine, three articles and two books. During this period, Charles Eastman was a sought after lecturer, and was one of the most famous Indians in America.

In the summer of 1914 Eastman began working in organized scouting and was hired as the director of Camp Archibald Butt in Maryland, which was one of the largest Boy Scout camps in the nation. The Eastmans also began exploring the idea of owning and operating their own camp. In 1915 the Eastman family opened the School of the Woods, a facility for girls, located on Granite Lake in Keene, New Hampshire. The camp brochure for the 1915 session of the School of the Woods vividly portrayed Native American influences. "THE AMERICAN INDIAN is our national model as an expert woodsmen, and the hero of the younger generation."¹⁹ This initial effort proved successful, and a boys camp was planned to open in the future.

In 1916 Charles Eastman published his most prophetic work, FROM THE DEEP WOODS TO CIVILIZATION. The publication of this text marked a transition in Eastman's life: If not a transition, a regression to earlier meaning and significance from his traditional Santee upbringing.

The Eastman camp failed in 1920, and shortly thereafter Charles returned to Indian service. He retired from government service in 1925, and for the remainder of his life Charles Eastman lived by giving public lectures, by the reprinting of his books, many of which were endorsed by George Bird Grinnell, and by "performances" of Indian lore. Performances may be a misnomer in this case, because Eastman began to practice the "Old Ways" of the Santee and undoubtedly approached these things with an honest respect and reverence.

Eastman's activities brought him into contact with Ernest Thompson Seton, Hamlin Garland and George Bird Grinnell, who shared tremendous power over the environmental images and ethics that were being formulated at the turn of the twentieth century. Generations grew into maturity in the early twentieth century carrying with them vivid images of Native American conservation, land ethics, and the personal essence of man's "sacred" relationship to the world.

This image was a subjective truth, for it clearly enunciated the experience of Eastman, Seton, Garland and Grinnell.

The "Indian" lore that is still a part of every camping program or activity in this country reflects the enormous influence of these four individuals. They disseminated an image of the Native American as ethical hunter, and a vivid characterization of the Native American as environmental "caretaker" and wise sage. These depictions, whether presented in literature, lecture, or experiential setting, were more than simple fact, they were strategies for environmental survival in the future.

These strategies began to be disseminated in many ways, but undoubtedly the outdoor magazine FIELD AND STREAM played an important role in formalizing the Native American philosophy as a precedent for modern conservation. The most interesting feature of FIELD AND STREAM that visually linked native peoples with the formation of the outdoor ethic was the editorial page of the magazine which was entitled "In the Council Lodge." The graphic heading of the first "In the Council Lodge" editorials depicted a western plains scene of a tipi encampment with a ceremonial pipe draped across the corner of the graphic. This vivid depiction of a Native American village with the accompanying environmental images is a concrete tie between the philosophy of native peoples and the formation of the conservation ethic. "In the Council Lodge" was used to convey the environmental messages of the editors of FIELD AND STREAM to subscribers and the wording of the editorial heading suggested that editor-reader were "sitting" in the lodge (Teepee), which of course reflected wisdom and environmental knowledge.

While FIELD AND STREAM was actively disseminating an outdoor ethic steeped in Native American lore, Archie Belaney was continuing similar efforts in Canada. Archie Belaney was born in Hastings, England on September 18, 1888. Belaney emigrated to Canada via Halifax on April 6, 1906, and in that same year he appeared in Northern Ontario where he was later employed by Bill Guppy, a guide, trapper and outfitter. Bill Guppy introduced Belaney to the Ojibwe that resided on Lake Temagami in Ontario. Ironically it was the Ojibwe who taught Bill Guppy the intricacies of the Lake Temagami region, and this environmental information was crucial because Guppy planned to build a camp there to serve tourists and outdoor enthusiasts.

Belaney learned to survive in the north from local Indian peoples. In 1910 he married a woman of the Bear Island Band by the name of Angele Equana, and this relationship solidified Archie's bond with the Temagami Ojibwe. Frank Speck, the prominent anthropologist, conducted studies among the Temagami Ojibwe in 1913, and included in his list of occupants at Bear Island the name of Angele Belaney and her daughter, Agnes. Agnes was listed as being a "half-breed", while Angele was remarked to have married a white man, evidently the first of the Bear Island Band to do so. The Temagami Ojibwe exerted a profound influence on Archie Belaney, and provided the basis for his conservation activities in later years.²⁰

In 1917 Archie Belaney became Grey Owl, Indian orator and conservationist. Belaney assumed the name Grey Owl, which was a translation of Wa-Sha-Oquon-Asie (He Who Flies-By Night), and he often signed the Ojibwe spelling of his name with the words "Grey Owl" underneath. Grey Owl claimed that he was named by an ancient conjurer, when, "Many years ago I cast my lot in with the nation known under the various appellations of Chippeways, Algonquins, Londucks, and Ojibways."²¹

No matter what name he was known by, Archie Belaney or Grey Owl had a tremendous impact on people by disseminating an outdoor ethic that was derived from contact with Native Americans. Archie Belaney truly usurped the "ethic" from Native Americans, but redeemed himself by becoming Grey Owl, orator, prophet and to some, charlatan. T.D.A. Cockerell, from the University of Colorado at Boulder, visited Grey Owl in 1935, and published his impressions of the trip in the March, 1936 issue of NATURAL HISTORY. Cockerell, like so many others, accepted Grey Owl for what he said he was: an Indian. Referring to the movies that Grey Owl had appeared in, Cockerell stated that they were "shown to many thousands of people, in Colorado, California, and Wyoming," and were very popular.²²

By 1935 Grey Owl had published extensively and lectured numerous times on Indians, beavers and conservation, and in that year, Lovat Dickson, Grey Owl's eventual biographer, invited him to England to present a series of lectures abroad. Beginning in England during October, 1935, Grey Owl was an immediate success. Dressed in his buckskins, Belaney was an imposing figure as he strode out on stage, greeted his audiences and began to speak as a Native American who knew and loved the land. "You are tired with years of civilization. I come to offer you - What? A single green leaf." The crowds for his lectures grew in numbers and his fame spread across England. Grey Owl's impact on English audiences was enormous. In only four months, he lectured to almost a quarter of a million people at over two hundred public appearances.²³ The 1935-1936 tour was such an enormous success that Grey Owl was booked for return engagements the following year. The highlights of the 1937 lecture series was a Command Performance for King George V, Queen Mary and the grandchildren of the royal couple, Princesses Elizabeth and Margaret Rose.²⁴ Archie Belaney (Grey Owl) died on April 13, 1938, but during his lifetime he had a profound influence on popular perceptions of the environment. His "message" reiterated Native American philosophy, and originated from earlier contacts with the Ojibwe. Throughout the twentieth century the American Indian has been heralded as a prototype in environmental matters. Even the Department of Interior recognized Native Americans for their contributions in the development of conservation while simultaneously working to erode indigenous land holdings and control of resources. In a pamphlet entitled CONSERVATION: THE RESOURCES WE GUARD, the Interior Department acknowledged the Native American land ethic and contributions to modern land use strategies.²⁵

Recently the Interior Department has been strongly criticized by conservationists for implementing programs which will most likely have adverse effects on the environment and game population. One critical response which was leveled at the Interior Department is strikingly in line with Native American philosophical perceptions as they relate to the environment. Jay D. Hair, Executive Vice President of the National Wildlife Federation, issued a rebuttal to statements by former Interior Secretary James G. Watt, and in his concluding remarks he stated that "conservationist minded sportsmen do not so much inherit our land from our fathers as we borrow it for a time from our children."²⁶ This statement, which is analogous to the Native American adherence to the "sacred circle," exemplifies modern conservationist thought which has been significantly influenced by American Indian peoples.

The extensive writings and words of George Bird Grinnell, Ernest Thompson Seton, Charles Alexander Eastman, Hamlin Garland and Archie Belaney (Grey Owl), which appeared in outdoor magazines, novels, short stories, essays and skill manuals had a tremendous impact on the formation of the "outdoor ethic."

Furthermore, this dissemination of indigenous man-nature relations unquestionably had an profound effect on scouting organizations and diverse worldwide populations. The Native American land ethic has become, to a large degree, modern conservation. Although the "message" of native peoples has been largely usurped by modern conservationists, historical contributions of indigenous peoples to the development of modern land ethics cannot be denied.

Native American perceptions of the environment provide valuable insights and strategies for future environmental concerns. The recognition of man's sacred tie to the creation can insure survival for all living beings, and guarantee an intelligent and personal utilization of natural resources. The de-personalization of human-environmental relations must be reversed. The earth, the mother of native peoples, nourishes all her children. The Great Mystery requires little of us in return for sanctuary and physical support. The mother of all peoples only asks that we respect the creation, and nothing more. When the circle of life is disturbed, stop and dwell on your actions: This is what native peoples did for centuries untold. They assessed the impact of their actions on "generations yet unborn" and this insured the continuity of the people. The earth has not forsaken her obligation to man; we must reciprocate in kind.

The growth of the modern conservation ethic in the twentieth century was strongly influenced by the environmental perceptions and beliefs of native peoples. These attitudes, values and beliefs, constitute a ray of hope for the future of natural resources and subsequently, the well-being of "man." Modern, technological man must come to grips with the fact that there is a need to personalize a relationship with the environment. All peoples must take personal responsibility for the future of the environment. This responsibility cannot be ignored, for the circle of life binds all living beings together.

CHAPTER 14

NOTES

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AUTHORS

Carter Blue Clark is the Director of American Indian Studies and Associate Professor at California State University, Long Beach. He has also been the Director of American Indian Studies at Morningside College in Iowa. His publications include several articles with his recent research work focusing on urban Indian Americans.

George L. Cornell, an Assistant Professor of English and American Studies, is the Director of the Native American Institute at Michigan State University, Lansing. He is a former D'Arcy McNickle Fellow at The Newberry Library, Chicago. His current research work focuses on Indian fishing rights in Michigan and American Indian perceptions of the land and environmental practices.

R. David Edmunds is Professor of History at Texas Christian University. A former Newberry Library Fellow, he has authored numerous articles and written the books, *THE OTOE-MISSOURI PEOPLE*, *THE SHAWNEE PROPHET*, *TECUMSEH AND THE QUEST FOR INDIAN LEADERSHIP* and has edited *AMERICAN INDIAN LEADERS: STUDIES IN DIVERSITY*. His book, *THE POTAWATOMIS: KEEPERS OF THE FIRE* won the Francis Parkman book award in 1978.

Donald L. Fixico is an Associate Professor in the Department of History at the University of Wisconsin-Milwaukee. He has held visiting teaching positions at University of California, Berkeley; University of California, Los Angeles; and at San Diego State University. He is the author of several articles primarily on federal-Indian relations in the twentieth century, and he is the author of *TERMINATION AND RELOCATION: FEDERAL INDIAN POLICY, 1945-1960*.

Donald A. Grinde, jr, is Professor of History at California Polytechnic State University. He has taught at the University of Utah and at UCLA, and published numerous articles. He has a keen interest in the role of the Iroquois in the ideology of America, as reflected in the title of his book, *THE IROQUOIS AND THE FOUNDING OF THE AMERICAN NATION*.

Carol Hampton holds a doctorate in history from the University of Oklahoma. She is the former Director of American Indian Studies at The University of Arts and Science of Oklahoma, Chickasha. Until recently she served for several years as a member on the Caddo Tribal Council. She recruited students for the Consortium for American Indian Recruitment into Graduate Programs, University of California, Berkeley, and now works for the Episcopal Church's National Committee on Indian Work.

Ramona Soza Hansen completed a doctorate in history at The University of Washington, Seattle. Her dissertation work is on the native fishing industries under the Alaska Reorganization Act of 1936. A former Francis Allen Fellow at The Newberry Library, Chicago, she also holds a law degree from the University of Puget Sound Law School. She is a member of the Native Studies and the Political Science Departments at the University of Alaska at Fairbanks.

Thomas M. Holm is Associate Professor of Political Science at the University of Arizona. His research interest is Native American Vietnam Veterans.

Jean M. O'Brien is a doctoral candidate in history at the University of Chicago. She has been a D'Arcy McNickle fellow at the Newberry Library in Chicago. Presently, she is completing her dissertation, which traces cultural interaction in Natick, Massachusetts, 1650-1790. She is co-author of THE ILLINOIS AND MICHIGAN CANAL HERITAGE CORRIDOR: A GUIDE TO HISTORICAL SOURCES, a forthcoming publication of the Upper Illinois Valley Association. She is a member of the History Department at the University of Minnesota.

Gilbert Ortiz completed a master's degree in American Indian Policy Studies at the University of Arizona. His research work is on the Southwest tribes and federal relations, and he is currently working as a Land Coordinator with the Acoma in New Mexico.

Charles Roberts is a member of the Department of History faculty at the California State - Sacramento. He is co-author of THE CHOCTAWS: A CRITICAL BIBLIOGRAPHY.

Clifford E. Trafzer is Chair of the Department of American Indians Studies and Professor at San Diego State University. His teaching experience include positions at Navajo Community College and Washington State University. His publications include numerous articles and the books, THE JUDGE: THE LIFE OF ROBERT A. HEFNER; ANZA, GARCES, AND THE YUMA FRONTIER; THE VOLGA GERMANS: PIONEERS OF THE NORTHWEST; YUMA FRONTIER CROSSING THE FAR SOUTHWEST; and THE KIT CARSON CAMPAIGN: THE LAST GREAT NAVAJO WAR.

Terry P. Wilson is Associate Professor and Coordinator of Native American Studies at the University of California - Berkeley, where he is also Chair of the Department of Ethnic Studies. He is co-editor of the AMERICAN INDIAN QUARTERLY and has contributed articles to several journals. His most recent publications are UNDERGROUND RESERVATION: OSAGE OIL and BIBLIOGRAPHY OF THE OSAGES.

James R. Young is former editor of the AMERICAN INDIAN CULTURE AND RESEARCH JOURNAL at UCLA, and of the Nuxpaaxa Project at Fort Berthold Community College. His research interest is colonial/native relations.